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Presidential Documents

Title 3—

The President

Proclamation 5758 of December 24, 1987

Amending the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to subsections 502(b)(7), 502(c)(7), and sections 504 and 604 of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2462, 2464 and 2483), I have determined that it is appropriate to provide for the suspension of preferential treatment under the Generalized System of Preferences (GSP) for articles that are currently eligible for such treatment and that are imported from Chile. Such suspension is the result of my determination that Chile has not taken and is not taking steps to afford internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act, as amended (19 U.S.C. 2462(a)(4)).

2. Subsections 502(b)(7) and (c)(7) of the Trade Act provide that a country that has not taken or is not taking steps to afford such internationally recognized worker rights is ineligible for designation as a beneficiary developing country for purposes of the GSP. Section 504 authorizes the President to withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any article or with respect to any country upon consideration of the factors set forth in sections 501 and 502(c) of the Trade Act (19 U.S.C. 2461 and 2462(c)).

3. Section 604 of the Trade Act authorizes the President to embody in the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) the substance of the relevant provisions of that Act, of other acts affecting import treatment, and of actions taken thereunder.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States of America, including but not limited to sections 502, 504, and 604 of the Trade Act, do proclaim that:

(1) General headnote 3(e)(v)(A) to the TSUS is modified by striking out "Chile" from the enumeration of independent countries whose products are eligible for benefits under the GSP.

(2) No article the product of Chile and imported into the United States after the effective date of this Proclamation shall be eligible for preferential treatment under the GSP.

(3) This Proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the sixtieth (60th) day following the date of the publication of this Proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of Dec., in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-30016
Filed 12-28-87; 2:57 pm]
Billing code 3195-01-M

Editorial note: For the text of the President's letter to the Speaker of the House of Representatives and the President of the Senate, dated Dec. 24, on the suspension, see the *Weekly Compilation of Presidential Documents* (vol. 23, no. 51).

Presidential Documents

Proclamation 5759 of December 24, 1987

Increasing the Rates of Duty on Certain Products of the European Community

By the President of the United States of America

A Proclamation

1. I have determined, pursuant to section 301(a) of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2411), that the "Council Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action" (the Directive), adopted in December 1985 by the European Community (EC), is inconsistent with the provisions of, or otherwise denies benefits to the United States under, a trade agreement; or is unjustifiable or unreasonable and constitutes a burden or restriction on United States commerce. Unless European Community member states are allowed derogations to continue their present importation practices, the Directive will prohibit imports into the European Community of any meat produced from animals treated with growth hormones, effective January 1, 1988, thereby severely disrupting exports of United States meat to the European Community. The need for such a prohibition is not supported by valid scientific evidence. Accordingly, the United States considers that the Directive constitutes a disguised restriction on international trade.

2. Section 301(a)(1) of the Act (19 U.S.C. 2411(a)(1)) authorizes the President to take all appropriate and feasible action within his power to enforce the rights of the United States under any trade agreement, and to respond to any act, policy, or practice of a foreign government or instrumentality that he determines is inconsistent with the provisions of, or otherwise denies benefits to the United States under, a trade agreement, or is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce. Section 301(b) of the Act (19 U.S.C. 2411(b)) authorizes the President to suspend, withdraw, or prevent the application of benefits of trade agreement concessions with respect to, and to impose duties or other import restrictions on, the products of such foreign government or instrumentality for such time as he determines appropriate. Pursuant to section 301(a)(2) of the Act (19 U.S.C. 2411(a)(2)), such actions can be taken on a nondiscriminatory basis or solely against the foreign government or instrumentality involved. Section 301(d)(1) of the Act (19 U.S.C. 2411(d)(1)) authorizes the President to take action on his own motion.

3. I have decided, pursuant to subsections 301(a), (b), and (d) (1) of the Act, to increase United States imported duties on certain articles the product of the European Community, as described in the Tariff Schedules of the United States and set forth in Annex A to this Proclamation. In the event that the Tariff Schedules of the United States are superseded by the Harmonized Tariff Schedule of the United States, I have decided to increase United States import duties on the articles listed in Annex B that are the product of the European Community. I have further determined to suspend the application of increased duties so long as the European Community member states continue their present importation practices with respect to United States exports of relevant meat products.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including but not limited to subsections 301(a), (b), and (d) (1) and section 604 of the Act (19 U.S.C. 2483), do proclaim that:

(1) Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified as set forth in Annex A to this Proclamation.

(2) In the event that the Tariff Schedules of the United States are superseded by the Harmonized Tariff Schedule of the United States, the latter shall be modified as set forth in Annex B to this Proclamation as of the effective date of that Schedule.

(3) The United States Trade Representative is authorized to suspend, modify, terminate, or terminate the suspension of the increased duties imposed by this Proclamation, upon publication in the **Federal Register**, of his determination that such action is in the interest of the United States.

(4) This Proclamation, including the imposition of increased duties and their immediate suspension, shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 2, 1988.

IN WITNESS WHEREFOF, I have hereunto set my hand this 24th day of Dec., in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

ANNEX A

Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) is modified by inserting the following new items and superior heading thereto, with the material inserted in the columns entitled "Item", Articles", "Rates of Duty 1", and "Rates of Duty 2":

	"Articles the product of the European Community (Belgium, Denmark, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom)		
946.40	Beef, without bone (except offal), fresh, chilled, or frozen (provided for in item 106.10, part 2B, schedule 1)	100% ad val.	No change
946.41	Pork hams and shoulders, prepared or preserved, not boned and cooked and packed in airtight containers (provided for in item 107.30, part 2B, schedule 1)	100% ad val.	No change
946.42	Tomatoes (except paste), whether or not reduced in size, packed in salt, in brine, or otherwise prepared or preserved (provided for in items 141.65 and 141.66, part 8C, schedule 1)	100% ad val.	No change
946.43	Soluble or instant coffee extracts, essences, and concentrates (containing no admixture of sugar, cereal, or other additive) (provided for in item 160.20, part 11A, schedule 1)	100% ad val.	No change
946.44	Fruit juices not specially provided for, concentrated or not concentrated, whether or not sweetened, not mixed and not containing over 1.0 percent of ethyl alcohol by volume (provided for in item 165.55, part 12A, schedule 1)	100% ad val.	No change
946.45	Other fermented alcoholic beverages, containing less than 7 percent alcohol by volume (provided for in item 167.50, part 12C, schedule 1)	100% ad val.	No change
946.46	Pet food packaged for retail sale, of by-products obtained from the milling of grains, mixed feeds, and mixed-feed ingredients (provided for in item 184.70, part 15C, schedule 1)	100% ad val.	No change
946.47	Intestines, weasands, bladders, tendons, and integuments, not specially provided for (except sheep, lamb, and goat), prepared for use as sausage casings (provided for in item 190.58, part 15F, schedule 1)	100% ad val.	No change"

ANNEX B

Subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States (HTS) (19 U.S.C.) is modified by inserting the following new subheadings and superior description, with the material inserted in the columns entitled "Heading/Subheading", "Article Description" "Rates of Duty 1 General" and Rates of Duty 2", respectively:

	"Articles the product of the European Community (Belgium, Denmark, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom)		
9903.23.00	Beef, without bone (except offal), fresh, chilled, or frozen (provided for in subheadings 0201.30.60, and 0202.30.60)	100% ad val.	No change
9903.23.05	Pork hams and shoulders (except those that have been boned and cooked and packed in airtight containers), processed or otherwise prepared or preserved (provided for in subheadings 0210.11.00, 1602.41.90, and 1602.42.40)	100% ad val.	No change
9903.23.10	Intestines, weasands, bladders, tendons and integuments, not specially provided for (except sheep, lamb and goat), prepared for use as sausage casings (provided for in subheading 0504.00.00)	100% ad val.	No change
9903.23.15	Tomatoes, prepared or preserved otherwise than by the processes specified in chapters 7 or 11 or in heading 2201 (provided for in subheadings 2002.10.00, 2002.29.00, nad 2103.20.40)	100% ad val.	No change
9903.23.20	Soluble or instant coffee extracts, essences and concentrates (containing no admixture of sugar, cereal, or other additive) (provided for in subheading 2101.10.20)	100% ad val.	No change
9903.23.25	Other fermented alcoholic beverages, containing less than 7 percent alcohol by volume (provided for in subheading 2206.00.90)	100% ad val.	No change
9903.23.30	Fruit juices not specially provided for, concentrated or not concentrated, whether or not sweetened, not mixed and not containing over 0.5 percent of ethyl alcohol by volume (provided for in subheading 2209.80.60)	100% ad val.	No change
9903.23.35	Pet food packaged for retail sale, of byproducts obtained from the milling of grains, mixed feeds, and mixed-feed ingredients (provided for in subheadings 2309.10.00)	100% ad val.	No change"

[FR Doc. 87-30017]
Filed 12-28-87; 2:58 pm]
Billing code 3195-01-M

Editorial note: For a White House statement, released Dec. 24, on the duty increases, see the *Weekly Compilation of Presidential Documents* (vol. 23, no. 51).

Presidential Documents

Executive Order 12620 of December 24, 1987

Delegation of Authority With Respect to the Administration of Justice Program

By the authority vested in me as President by the Constitution and laws of the United States, including the Foreign Assistance Act of 1961, as amended, and section 301 of Title 3 of the United States Code, it is hereby ordered that Executive Order No. 12163, as amended, is further amended by inserting at the end of the first sentence of subsection 6 of Section 1–201, the following phrase:

", and all functions conferred by Section 534 of the Act."

Ronald Reagan

THE WHITE HOUSE,
December 24, 1987.

[FR Doc. 87-30022
Filed 12-28-87; 3:08 pm]
Billing code 3195-01-M

Presidential Documents

Memorandum of December 24, 1987

Action Concerning the Generalized System of Preferences

Memorandum for the United States Trade Representative

Pursuant to subsections 502(b)(7), 502(c)(7), and section 504 of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2462(b)(7), 2462(c)(7) and 2464), I am hereby acting to modify the application of duty-free treatment under the Generalized System of Preferences (GSP) currently being afforded to Chile.

Specifically, after considering various private sector requests for review concerning worker rights in Chile, and in accordance with section 502(b)(7) of the Act, I have determined that Chile, which was previously designated as a beneficiary country, is not taking steps to afford internationally recognized worker rights. Therefore, I intend to notify the Congress of the United States and the Government of Chile of my intention to suspend indefinitely the GSP eligibility of Chile.

This determination shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, December 24, 1987.

[FR Doc. 87-30023
Filed 12-28-87; 3:09 pm]
Billing code 3195-01-M

Presidential Documents

Memorandum of December 24, 1987

Determination Under Section 301 of the Trade Act of 1974

Memorandum for the United States Trade Representative

I have determined, pursuant to section 301(a) of the Trade Act of 1974, as amended (the Act) (19 U.S.C. 2411), that the "Council Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action" (the Directive), adopted in December 1985 by the European Community (EC), is inconsistent with the provisions of, or otherwise denies benefits to the United States under, a trade agreement; or is unjustifiable or unreasonable and constitutes a burden or restriction on United States commerce. I have also determined, pursuant to subsections 301(a), (b), and (d)(1) of the Act, to increase U.S. customs duties on certain products of the European Community. I am taking this action to enforce United States rights under a trade agreement and to respond to unjustifiable or unreasonable acts, policies, and practices of the European Community that burden or restrict United States commerce. However, I have determined to suspend the application of increased duties so long as the EC permits its member states to continue their present importation practices with respect to United States exports of relevant meat products.

Statement of Reasons

The European Community adopted the Hormone Directive in December 1985. It is scheduled to become effective with respect to imports on January 1, 1988. Unless EC member states are allowed derogations to continue their present importation practices, implementation of the Directive will prohibit imports into the European Community of any meat produced from animals treated with growth hormones, thereby severely disrupting exports of U.S. meat to the European Community. Such a prohibition is not supported by valid scientific evidence. Accordingly, the United States considers that the imposition of import restrictions under the Directive constitutes a disguised restriction on international trade.

The United States has repeatedly protested the Directive both bilaterally and within the framework of the Agreement on Technical Barriers to Trade ("Standards Code") of the General Agreement on Tariffs and Trade (GATT). In January 1987, the United States requested consultations with the EC under Article 14.1 of the Standards Code. These consultations were held in February and April without satisfactory results. On April 29, 1987, the United States requested the GATT Committee on Technical Barriers to Trade to investigate the matter. The Committee met in May, June, July, and September. That investigation failed to yield a solution because of EC insistence, against the weight of scientific evidence, that consumption of meat from animals treated with growth hormones is dangerous to human health. On July 15, 1987, the United States asked for the formation of a Technical Experts Group (TEG) under Article 14.9 of the Standards Code, in order to examine the scientific basis, if any, for the EC claim. The EC blocked, and continues to block, the formation of such a group of experts. Additional consultations have failed to yield meaningful progress on the underlying issue. Accordingly, it is appropriate to proclaim countermeasures.

However, the European Community has provided assurances that all member states will be permitted to continue, and will continue, their present practices with regard to the importation of U.S. meat products for an additional 12 months. Therefore, I am suspending the application of those measures so long as the EC member states continue their present importation practices with respect to United States exports of relevant meat products. I expect the European Community to allow appropriate dispute settlement procedures to proceed expeditiously.

On November 25, 1987, I announced my intention to raise customs duties to a level of 100 percent ad valorem on as much as $100 million in EC exports to the United States in response to the implementation of the Directive. I also announced that the products against which retaliatory action would be taken would be selected after a comment period ending on December 11, 1987. Finally, I announced that the sanctions would be effective soon after January 1, 1988, unless the EC had acted by that time to ensure that the Directive does not impede United States meat exports.

This determination shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, December 24, 1987.

[FR Doc. 87-30024
Filed 12-28-87; 3:10 pm]
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Rules and Regulations

Federal Register
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ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 305

Recommendations Regarding Administrative Practice and Procedure

AGENCY: Administrative Conference of the United States.

ACTION: Recommendations.

SUMMARY: The Administrative Conference of the United States, at its Thirty-fifth Plenary Session, adopted seven recommendations.

Recommendation 87–6, State-Level Determinations in Social Security Disability Cases, encourages the Social Security Administration to continue its demonstration projects with face-to-face hearing procedures for state-level disability determinations. Recommendation 87–7, A New Role for the Social Security Appeals Council, sets forth steps the Social Security Appeals Council should take to decrease its caseload to enable it to play a more significant role in developing and implementing adjudicatory principles and decisional standards for the disability determination process. Recommendation 87–8, National Coverage Determinations Under the Medicare Program, urges the Health Care Financing Administration (HCFA) (in the Department of Health and Human Services) to publicize its procedures and criteria for making nationally applicable determinations on what medical procedures and technologies are covered by the Medicare program. The Conference also urges HCFA to provide for some opportunity for the public to comment on all national determinations and to specify the types of coverage determinations that will be left to Medicare contractors and regional offices. Finally, the Conference urges Congress to consider modifying statutory limitations on administrative and judicial review of national coverage determinations. Recommendation 87–9, Dispute Procedures in Federal Debt Collection, offers advise to agencies on integrating effective debt collection with the requirements of procedural due process, and seeks to reduce uncertainty over the relationship of the Debt Collection Act to the Contract Disputes Act. Recommendation 87–10, Regulation by the Occupational Safety and Health Administration, recommends a variety of procedures (including generic rulemaking) which OSHA should use to increase the effectiveness of its regulation. In addition, the recommendation sets forth statutory changes that Congress should consider making if OSHA's administrative reforms do not achieve effective regulation. Recommendation 87–11, Alternatives for Resolving Government Contract Disputes, calls on Congress, the Executive, boards of contract appeals, and major contracting agencies to take steps to create an atmosphere in which alternative means of dispute resolution can be readily employed, and it further offers advice on using ADR methods, locating neutrals, and training relevant personnel. Recommendation 87–12, Adjudication Practices and Procedures of the Federal Bank Regulatory Agencies, recommends steps the federal bank regulatory agencies should take to increase the consistency of, and otherwise improve, their decisions in enforcement adjudications.

Recommendations of the Administrative Conference are published in full text in the **Federal Register** upon adoption. Complete lists of recommendations and statements, together with the texts of those deemed to be of continuing interest, are published in the *Code of Federal Regulations* (1 CFR Parts 305 and 310).

DATES: These recommendations were adopted December 17–18, 1987, and issued December 23, 1987.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Lubbers, Research Director (202–254–7065).

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States was established by the Administrative Conference Act, 5 U.S.C. 571–576. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by federal agencies in carrying out administrative programs, and makes recommendations for improvements to the agencies, collectively or individually, and to the President, Congress, and the Judicial Conference of the United States (5 U.S.C. 574(1)).

At its Thirty-fifth Plenary Session, held December 17–18, 1987, the Assembly of the Administrative Conference of the United States adopted seven recommendations, the texts of which are set out below. These texts will be transmitted to the affected agencies and, if so directed, to the Congress of the United States. The Administrative Conference of the United States has advisory powers only, and the decision on whether to implement the recommendations must be made by each body to which the various recommendations are directed.

The transcript of the Plenary Session will be available for public inspection at the Conference's offices at Suite 500, 2120 L Street, NW., Washington, DC.

List of Subjects in 1 CFR Part 305

Administrative practice and procedure, Social Security, Medicare, Debt collection, Health and safety regulation, Alternative dispute resolution, Banking regulation.

PART 305—RECOMMENDATIONS OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1. The authority citation for Part 305 continues to read as follows:

Authority: 5 U.S.C. 571–576.

2. The table of contents to Part 305 of Title 1 CFR is amended to add the following new sections:

Sec.
305.87–6 State-Level Determinations in Social Security disability cases
305.87–7 A new role for the Social Security Appeals Council
305.87–8 National coverage determinations under the Medicare Program
305.87–9 Dispute procedures in Federal debt collection
305.87–10 Regulation by the Occupational Safety and Health Administration
305.87–11 Alternatives for resolving Government contract disputes
305.87–12 Adjudication practices and procedures of the Federal Bank Regulatory Agencies

3. New §§ 305.87–6 through 305.87–12 are added to Part 305 to read as follows:

§ 305.87–6 State-Level Determinations in Social Security disability cases.

In Fiscal Year 1986, nearly two and one half million individuals applied for disability benefits under two federal programs administered by the Social Security Administration: Retirement, Survivors, Disability and Health Insurance (RSDHI), and Supplemental Security Income (SSI). Payments made annually to their seven million beneficiaries totalled twenty-nine billion dollars during that period. Certain aspects of this enormous benefit program have recently been subject to close scrutiny to determine whether greater efficiency is possible.

In order to be eligible for either program, a claimant must meet medical and other criteria. The RSDHI program operates as an insurance plan. A worker qualifies by earning a sufficient amount of wages for a required period of time. By contrast, the SSI program is a welfare program whose non-medical criteria are met by a demonstration of need.

If a claimant meets the criteria for either plan, he or she must then meet the medical criteria for disability in order to establish eligibility for benefits. The basic statutory test is identical for both RSDHI and SSI:

"Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. 42 U.S.C. §§ 423(d)(1)(A); 1382c(a)(3)(A). [See also 43 U.S.C. § 423(d)(2)(A) which liberalizes the work requirement somewhat.]"

Claimants begin the application process by filing an application at a Social Security Administration office. If a claimant meets the non-medical criteria, the file is then forwarded to a federally-funded and SSA-regulated state Disability Determination Service (DDS) for a determination as to disability. A two-person team consisting of a "disability examiner" and medical consultant (a physician employed by DDS) reviews the medical evidence and reaches its decision. The claimant is not present at any time during the process.

A claimant who is dissatisfied with the initial determination (about 60% are denials) has 60 days in which to seek a reconsideration. Reconsiderations are also performed at the state DDS level, and are essentially a repeat of the initial determination process, but with different personnel acting as decisionmakers. The record may be supplemented at this time, but as with the initial determination process, the claimant does not appear. In FY 1986, about 40% of denied claimants (totalling 380,000) sought reconsideration and about 17% of those received favorable re-determinations.

Further review is available at the ALJ and Appeals Council stages. See Recommendation 87–7 for a description of these later review stages.

Several areas pertaining to the disability determination, hearing and review process have been subject to criticism. First, the current system, with its four tiers of successive review, often results in the replacement of one decisionmaker's determination with that of the next, but without necessarily improving the quality of any of the actual decisions. Second, because there is little cost to filing an administrative appeal (and everything to gain in doing so), there is correspondingly little incentive for a claimant to accept any unfavorable determination as final. Accordingly, there is a wide stream of cases all the way to the end of the process. Moreover, claimants whose cases are decided without a personal appearance before the decisionmaker (as is the case in three of the four review stages) frequently feel dissatisfied with the process, that they have not received their "day in court."

In addition, courts, members of Congress, and the system's clients have all indicated that their confidence in the system has deteriorated to the point that its integrity has suffered. The public's faith in the institution is essential to its success in the long run.

In efforts to improve the administration of the state-level determination process, the stage at which the caseload stream is the widest, Congress and SSA have engaged in some modifications of the system as well as some experimental procedures. By 1983, a large increase in appeals from terminations of benefits in continuing disability review (CDR) cases had begun to flood the system. In such cases SSA performs reviews on existing beneficiaries to determine whether the disability still exists. If the determination is negative, a notice of termination is sent, triggering the above-described review process. Congress reacted to this by passing Pub. L. 97–455, which gave the option to claimants of an "evidentiary hearing" at the reconsideration stage in all CDR cases. Although a moratorium in CDR cases slowed the institution of this procedure, it is now in place and specially trained hearing officers are conducting these relatively formal proceedings.

In 1984 (Pub. L. 98–460), Congress mandated demonstration projects in selected DDS offices to try a one-step proceeding, allowing a personal interview but eliminating the reconsideration step. In five states, the interview was to be used in initial determinations, and in five other states it was to be used in place of the evidentiary hearing in CDR cases. These demonstration projects are currently underway, and results are limited. Although preliminary, the experience with evidentiary hearings and the demonstration projects with personal interviews give rise to the following conclusions:

—Face-to-face procedures are more satisfactory to claimants than are paper reviews, resulting in claimants feeling that they received a fair hearing;

—Face-to-face procedures are helpful to decisionmakers, in many instances providing them with evidence not ascertainable from the paper file.

If the final results of the demonstration projects are consistent with these initial findings, it is probable that by implementing some kind of a face-to-face proceeding at the state level, awards of benefits that ultimately would be made later in the system will be made at the outset. This will have the effect of decreasing the caseload at later levels, both for ALJs and the Appeals Council, and for federal courts. Overall costs to the system would thereby be reduced as well.

At the request of the Social Security Administration, the Administrative Conference has undertaken a preliminary review of the disability determination process at the state level. The Conference makes the following Recommendations, based on that study.

Recommendation

The Conference supports Congressional and Social Security Administration (SSA) efforts to improve the procedure by which initial and reconsidered disability determinations are made by state Disability Determination Service (DDS) offices. Although existing experience with use of evidentiary hearings at reconsideration is sparse, and experiments using a single-step determination (after a personal interview, but without reconsideration) are at an early stage, some preliminary suggestions can be made to SSA:

1. Experiments and demonstration projects concerning use of face-to-face procedures at the initial determination stage should be continued and encouraged. SSA should conduct thorough and careful evaluations of both the evidentiary hearing procedure now used in continuing disability review (CDR) cases and the personal interviews now being tried in selected state demonstration projects and should make prompt reports to Congress.

2. Full implementation of evidentiary hearings (for other than CDR cases) or personal interviews (either at the initial or reconsideration stage) should await the final report on the current experiments by the Department of Health and Human Services (HHS).

3. HHS's reports concerning the use of face-to-face procedures should include consideration of the cost of full implementation of evidentiary hearings or personal interviews at the initial or reconsideration stage. Should cost considerations militate against full implementation of such hearings or interviews, SSA should consider the feasibility and fairness of permitting some kind of a hearing or interview on a discretionary basis subject to appropriate published guidelines where either the claimant's file, type of medical condition or the opinion of the examiner indicates that such a procedure would be of significant assistance to the ultimate determination.

4. In analyzing the results of the procedures and the ongoing experiments at the DDS level, SSA should develop accurate measures of efficiency and associated record-keeping requirements.

Specifically, such measures of processing time should take into account post-interview time expended waiting for third party responses to requests for additional case development. Any measures of efficiency adopted by SSA should not serve to discourage the use of comprehensive interviews.

5. In analyzing the procedures and ongoing experiments (and in any future analyses), SSA should review the reasonableness of variations between DDS offices in their award rates and other aspects of case handling, in light of state-by-state variables that can affect the disability determination process.

6. SSA should proceed with caution before taking the position that face-to-face hearings or interviews at the DDS level would be an adequate substitute for the opportunity for an adjudicatory hearing before a SSA administrative law judge (ALJ). Rather, such modifications to the DDS process should be seen as a possible way of reducing the number of appeals to the later stages of the process.

7. Close scrutiny should be given to any legislative or other proposals to completely eliminate the reconsideration stage, taking into account the impact of that step on overall processing costs, and on the caseload at the ALJ stage. Any such proposals to convert the two DDS stages into a single stage should consider the need to allow some type of a face-to-face proceeding at that stage, as provided for in the demonstration projects.

8. Before instituting evidentiary hearings (for other than CDR cases) or personal interviews in all DDS offices, SSA should consider (a) decentralization of DDS offices into decisional units to minimize travel costs and (b) the need to select and train a sufficient number of personnel qualified to conduct such hearings or interviews.

9. The record in disability appeals should not be closed until completion of the ALJ stage—that point in the process at which claimants now are more likely to be represented by attorneys or other advocates.

10. SSA should conduct a study of: (a) The reference sources of claimants (e.g., referrals from state welfare agencies, private insurance carriers, etc.) to determine whether such referrals are a source of excessive numbers of claims that are later determined to be unmeritorious, (b) the nature of "dropouts," claimants who fail to pursue their appeal rights, to determine why this occurs, and (c) the number of claimants who reapply in lieu of appealing, and the reasons therefor.

§ 305.87-7 A New role for the Social Security Appeals Council.

The Social Security disability system is described generally in Recommendation 87-6 which focuses on the initial determination process at the state-level Disability Determination Service (DDS) offices. This Recommendation addresses the later stages of review by the Social Security Administration (SSA).[1]

The first stage of review by federal decisionmakers is the third step in the process for disability claimants. Claimants disappointed after state-level initial and reconsideration determinations may then demand a hearing before an administrative law judge (ALJ) employed by the Social Security Administration. About 65% of such claimants do so. This is the first time in the process (except in certain demonstration projects or cases involving the termination of benefits) that a claimant has a face-to-face encounter with the decisionmaker. The hearings are de novo, and generally follow Administrative Procedure Act guidelines. Approximately 50% of appeals taken to an ALJ hearing result in the award of benefits.

The fourth, and final, level of administrative review is to the Social Security Appeals Council. This twenty member body, created by regulation, and chaired by the Associate Commissioner for Hearings and Appeals, disposes of a staggering 50,000 cases annually. (About 40% of claimants who lose at the ALJ stage appeal.) In addition to appeals from ALJ decisions, the Appeals Council reviews, on its "own motion," selected cases where there has been a grant of benefits. The Appeals Council relies on analysts in its companion unit, the Office of Appeals Operations (OAO), to screen cases and make recommendations concerning disposition of the cases. Council members hold the same salary grade level as SSA ALJs. They perform purely a paper review on cases that are forwarded to them by OAO and assigned to them individually based on the geographical origin of the case. The Appeals Council acts on each appeal, although in most cases the request for review is summarily denied or dismissed. Because of the demands on each member (up to 500 cases per member per month), a typical case is likely to receive less than 15 minutes of paper review by the member. The Council almost never sits in panels or conducts oral arguments. In recent years, approximately 5% of the cases reviewed result in reversals (i.e., awards of benefits), and another 7 to 15% are remanded to the ALJ.

After exhaustion of state and federal administrative remedies, a claimant may seek judicial review in the federal district court. In the years 1981 to 1986 the number of new SSA disability cases filed in the courts ranged from 9,000 to 26,000 per year.

In past years, the Appeals Council has to some extent played a policy-relevant role. Yet, as its caseload increased, it was by necessity limited to a narrow case correction function. Accordingly, its members had little time to devote to policy matters. Recently, the Appeals Council has come under attack from many fronts, including Congress, claimants and their representatives, and academicians, who have questioned both the Appeals Council's usefulness as an additional step in the adjudicative chain and the resulting delays caused to claimants who wish to proceed to court.

Critics have complained that the rate of reversals is so low that it fails to compensate for the additional delay caused to claimants who wish to seek judicial review. The Conference's study noted that because its members are so driven by the "tyranny of the caseload," it has failed to take advantage of its unique position as the final administrative review body—one that sees a diverse number of disability cases, and accordingly, can detect emerging problems, and identify new issues to be resolved and policies to be developed. Thus, any capabilities it should have in promoting consistency of lower-level decisionmaking, and policy integrity throughout the system, are thwarted, and it is left with little more than a case-handling role.

The Social Security Administration requested the Administrative Conference to study and analyze the operation of the Appeals Council.

Serious consideration was given to recommending outright abolition of the Appeals Council. This view was premised on the Appeals Council's present inability to do little more than add one more layer to the already-lengthy review bureaucracy. (This criticism was not intended as a denigration of Appeals Council members, whom the study found to be competent, dedicated, and cooperative.) Before recommending such a drastic, and irreversible step, however, the Conference felt that an attempt should be made to use the unique perspective and expertise of the Appeals Council to help correct the existing problem. The Conference believes that fundamental changes are needed to reduce the Council's caseload to a more manageable volume, so that individual cases can be given more attention and the Council can be a significant contributor to agency policymaking. Accordingly, to implement a system-reform function for the Appeals Council, the Conference makes the following Recommendations for modification of its structure, purpose and operations.

While the recommendation anticipates a reduced volume of cases for the Appeals Council, the Conference believes that improved fact-finding will result from the changes in initial determinations (*see* Recommendation 87-6), and that this will compensate for diminished factual review at the Appeals Council stage.

Recommendation

1. The Social Security Administration (SSA) should, as soon as feasible, restructure the Appeals Council in a fashion that redirects the institution's goals and operation from an exclusive focus on processing the stream of individual cases and toward an

[1] The Conference has previously addressed elements of the Social Security appeals process (focusing primarily on the ALJ hearing stage) in Recommendation 78-2, Procedures for Determining Social Security Disability Claims, 1 CFR 305.78-2.

emphasis on improved organizational effectiveness. To that end, the Appeals Council should be provided the authority to reduce significantly its caseload and also be given, as its principal mandate, the responsibility to recommend and, where appropriate, develop and implement adjudicatory principles and decisional standards for the disability determination process. In particular, SSA should adopt the following structural reforms to improve the Appeals Council's ability to perform its new function.

a. *Focus on System Improvements.* SSA should make clear that the primary function of the Appeals Council is to focus on adjudicatory principles and decisional standards concerning disability law and procedures and transmit advice thereon to SSA policymakers and guidance to lower-level decisionmakers. Thus the Appeals Council should advise and assist SSA policymakers and decisionmakers by:

(1) Conducting independent studies of the agency's cases and procedures, and providing appropriate advice and recommendations to SSA policymakers; and

(2) Providing appropriate guidance to agency adjudicators (primarily ALJs, but conceivably DDS hearing officers in some cases) by: (a) Issuing, after coordination with other SSA policymakers, interpretive "minutes" on questions of adjudicatory principles and procedures, and (b) articulating the proper handling of specific issues in case review opinions to be given precedential significance. The minutes and opinions should be consistent with the Commissioner's Social Security Rulings. Such guidance papers should be distributed throughout the system, made publicly available, and indexed.

b. *Control of its Caseload.* On order to fulfill its responsibility to develop, and to encourage utilization of, sound decisional principles and practices throughout SSA, the Appeals Council must be empowered to exercise its review sparingly, so that it may concentrate its attention on types of cases identified in advance by the Appeals Council. These types of cases might include a small sample of random cases or categories identified by the Secretary of Health and Human Services from time to time. To that end, the Secretary should direct the Appeals Council to design a new review process, subject to the Secretary's approval, that would continue to be part of the available administrative remedy for a claimant dissatisfied with an administrative law judge's (ALJ's) initial decision, but that would enable the Appeals Council to deny a petition for review if the issues it sought to raise are deemed inappropriate for the Appeals Council's attention. If a petition for review is denied, the ALJ's decision should be deemed to be final agency action.

c. *Improved Review of Individual Cases.* The Appeals Council, given a reduced caseload, should upgrade its handling of individual cases. In particular the Council should:

(1) Work more collaboratively, including as appropriate, considering cases en banc or in panels;

(2) Encourage claimant's representatives to submit briefs (including *amicus* briefs) on selected issues and evaluate the benefits of encouraging oral arguments in appropriate cases (utilizing existing authority to reimburse participants as necessary);

(3) Write more elaborate opinions, providing better reasoning and legal analysis and relying less on boilerplate and verbatim recitation of records;

(4) Avoid substitution of judgment on ALJ factual determinations; [2]

(5) Significantly reduce the time needed to initiate or deny review of cases and issue a final decision in most cases within 90 days of accepting review, unless an extension or delay request by a claimant is granted for good cause; and

(6) Specify that once the period for accepting review has passed, ALJ decisions should be deemed to be final agency action, and should be subject to reopening by the Appeals Council only in accordance with existing standards.

d. *Enhancement of Status of Appeals Council.* SSA should improve the status of the Appeals Council and insure high caliber appointment by:

(1) Reducing the size of the Council so that the Council can meet and act more collegially;

(2) Upgrading the salary level of members so that it is one level above SSA ALJs;

(3) Providing the members, by regulation, with the same civil service protections as accorded to career service personnel and by providing ALJs who agree to serve on the Council with assurances that they will receive reappointment to their former position upon completion of service; and

(4) Establishing merit selection criteria for appointment to the Appeals Council, giving preference to prior experience as an ALJ.

e. *Enhancement of Support Systems.* SSA should improve the support system provided to its Appeals Council by reorganizing the Office of Appeals Operations, providing law clerks to assist members, and updating production and communication systems.

f. *Enhance the Appeals Council's Visibility.* The Appeals Council should enhance its visibility both inside and outside the agency by reinstating the "visiting ALJ" program,[3] instituting exchange programs with other SSA components, seeking publication of precedent by a recognized reporter service, and encouraging other outreach and bar-related activities.

2. If the reconstituted Appeals Council does not result in improved policy development or case-handling performance within a certain number of years (to be determined by Congress and SSA), serious consideration should be given to abolishing it.

§ 305.87–8 National coverage determinations under the Medicare Program.

In 1986, the Administrative Conference undertook a broad overview of the administrative procedures employed by the federal government (primarily the Health Care Financing Administration within the Department of Health and Human Services) in administering and deciding appeals under the Medicare program. Recommendation 86–5, *Medicare Appeals*, 1 CFR 305.86–5, urged the Health Care Financing Administration (HCFA) to improve its system for publishing, updating, and making accessible the standards, guidelines and procedures used in making coverage and payment determinations in the Medicare program. The recommendation also suggested some improvements in the administrative appeals system and listed some fruitful areas for further research.

This recommendation builds on Recommendation 86–5 by focusing on a major aspect of the Medicare program: the making of policy concerning what aspects of medical care are covered by, and therefore reimbursable by, the Medicare program. Implementation determinations must be made every day on a case-by-case basis by Medicare contractors (peer review organizations, carriers and fiscal intermediaries such as Blue Cross). In most of these cases the coverage question involves a determination of whether an item or service was medically necessary for the individual or was furnished in the appropriate setting. Typically, the Medicare contractor has considerable discretion in ruling on individual claims although that discretion is

[2] In conjunction with this reliance on the record below, the Appeals Council should not permit new evidence to be introduced without good cause, although motions to remand to the hearing stage should be permitted. See Recommendation 78–2, ¶ (c)(1); 1 CFR 305.78–2(c)(1).

[3] The visiting ALJ program allowed for one-month temporary duty by an ALJ on the Appeals Council. SSA should consider longer intra-agency details in the future.

bounded by policy pronouncements made in various ways by HCFA. If an individual claim for reimbursement is denied by the Medicare contractor, the claimant (whether a beneficiary or provider of care) may appeal the denial of claims over $500 to an administrative law judge and then further appeal to a federal district court for claims over $1,000. Recent legislative restrictions, however, have further limited claimant's opportunities to challenge coverage determinations in court or before an ALJ, and it is difficult for equipment manufacturers to participate in or challenge national coverage determinations even though their financial stakes can be significant.

HCFA makes coverage policy in a number of ways.[1] In some cases Medicare contractors refer questions about new medical procedures or technologies to the HCFA regional or national office which makes an informal judgment for application in that case. In other cases HCFA makes "national coverage determinations" which apply in all future similar cases. Since the beginning of the program HCFA (and its predecessor agency) have made about 200 such national determinations on medical procedures and technologies, and the number made each year is growing. However, in its recent **Federal Register** notice, HCFA stated that a "national coverage determination" included any coverage policy published in any HCFA manual. Such rulings are published either in the **Federal Register** or the *Medicare Coverage Issues Manual*, although many other coverage policies are published in other manuals that are less widely available, and are not designated as national coverage determinations.

Although the making of these national coverage determinations constitutes rulemaking, HCFA does not use a notice-and-comment procedure in most cases. HCFA's Bureau of Eligibility, Reimbursement and Coverage normally simply makes rulings on coverage determinations referred from contractors unless it determines that a medical question is presented. In such cases the question is referred to the in-house HCFA Physicians Panel which meets in private to decide on these referrals. The Physicians Panel may recommend a further referral to the Public Health Service's Office of Health Technology Assessment (OHTA). Most referrals to OHTA are in the form of informal inquiries, without public notice, after which OHTA simply conducts in-house investigations and reports back to HCFA. Requests for full OHTA assessments, on the other hand, usually result in a **Federal Register** notice, and widespread consultation with affected groups. In either event OHTA makes a recommendation to HCFA which then makes and publishes the determination. Only then are the OHTA findings disclosed.

Except in these "formal OHTA assessments," beneficiaries, providers and manufacturers have no opportunity to participate in this policymaking process. Nor are the criteria used by HCFA and the Medicare contractors in making this policy identified or published. Moreover, once the policy is announced, opportunities to challenge it have been severely circumscribed by the 1986 Omnibus Budget Reconciliation Act. (Pub. L. 99-509, 9341; 42 U.S.C.A. 1395ff(b)(3) (1987)). The Act provides that administrative law judges may not review national coverage determinations in administrative appeals. It also limits judicial review by providing that national coverage determinations may not be held unlawful on the grounds of violation of the AP or lack of opportunity for public comment, and further provides that reviewing courts cannot overturn a denial based on coverage determinations without first remanding to HHS for supplementation of the record.

In Recommendation 86-5, the Conference recommended that HHS "introduce more openness and regularity" into these important determinations through "(1) [d]evelopment of published decisional criteria; (2) providing for notice and inviting comments in such cases, both in HCFA's decisionmaking process and in the process by which [OHTA] supplies recommendations to HCFA; and (3) providing for internal administrative review or reconsideration of such decisions." The Conference commends the recent HCFA notice and request for comments on its procedures as a good first step, but urges that further steps be taken to open up the decisional criteria and procedure to public participation and also urges Congress to consider modifying the statutory limitations on the review of the reasonableness and the procedural fairness of such national coverage determinations.

Recommendation

1. Publication of Procedures and Criteria Through Rulemaking

The Health Care Financing Administration (HCFA) should continue its recent steps toward describing and seeking comments upon the procedures it uses for making national coverage determinations in the Medicare program. HCFA should follow its recent informational notice with a notice-and-comment rulemaking proceeding setting forth the procedures as well as all decisional criteria for making national coverage determinations.

2. Elements of the National Coverage Determination Process

HCFA's proposed and final rule on national coverage determinations procedures and criteria should:

(a) Specify the procedure by which HCFA selects coverage questions that will be considered in this process;

(b) Identify and describe what categories of coverage issues will be left to the decision of Medicare contractors and HCFA regional offices; and address the extent to which, and the manner in which, significant coverage determinations made by contractors and regional offices can be identified and disseminated more widely;

(c) Provide for the opportunity for public comment prior to promulgation (or if that is infeasible, an opportunity for comment after adoption)[2] of *all* national coverage policies whether or not the determination is referred to the HCFA Physicians Panel or to the Office of Health Technology Assessment;

(d) Establish internal management controls to facilitate the timely processing of requests from Medicare contractors and petitions filed by beneficiaries, providers and other affected persons for initiation of a national coverage determination;[3]

(e) Develop techniques to encourage the HCFA Physicians Panel, the Office of Health Technology Assessment, and the Public Health Service to respond expeditiously to referrals; and

(f) Identify all publications in which coverage policy will be published, and the method by which those publications will be made reasonably accessible to beneficiaries and other affected groups.

3. *Use of Negotiated Rulemaking*

In addition to providing for a national coverage decisionmaking process that accords beneficiaries, providers, equipment manufacturers and other interested parties an opportunity to have input into the formulation of specific national coverage determinations; HCFA should in appropriate cases also consider use of elements of a negotiated rulemaking procedures.[4]

4. *Modification of Recent Legislative Restrictions on Administrative and Judicial Review*

Congress should reconsider and, at minimum clarify its intent,[5] with regard to the recent restrictions it placed upon adminstrative and judicial review of national coverage determinations. In so doing, Congress should:

(a) Consider whether to clarify the restriction against administrative law judge review of national coverage

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[1] HCFA's procedures for making national coverage policy had not been published until April 29, 1987, when under court order, the agency issued a notice in the **Federal Register** describing its process (though not its criteria) and sought comments.

[2] The agency should then re-evaluate the policy after receiving comments. See ACUS Recommendation 76-5, *Interpretive Rules of General Applicability and Statements of General Policy*, 1 CFR 305.76-5.

[3] See ACUS Recommendation 86-6, *Petitions for Rulemaking*, Para. 2(d), 1 CFR 305.86-6(2)(d).

[4] See ACUS Recommendations 82-4 and 85-5, *Procedures of Negotiating Proposed Regulations*, 1 CFR 305.82-4, 85-5.

[5] In particular, Congress should, for the purposes of these restrictions, clarify its definition of "national coverage determination" and explain whether or not policies other than those concerning medical procedures and technologies and published in the **Federal Register** or *Medicare Coverage Issues Manual* are included.

determinations [42 U.S.C.A. 1395ff(b)(3)(A)] by (i) making clear that administrative law judges may review the application of such determinations to claimants and (ii) Specifying that this limitation only applies to those national coverage determinations that are properly published and indexed, and that have been issued after an adequate opportunity for public comment.

(b) Consider repealing 42 U.S.C.A. 1395ff(b)(3)(B), which restricts judicial review of procedures used in promulgating national coverage determinations.

(c) Eliminate the provision [42 U.S.C.A. 1395ff(b)(3)(C)] that limits reviewing courts' ability to review the validity of a national coverage determination applied in a particular case without first remanding the case to the agency for supplementation of the record.

§ 305.87-9 Dispute Procedures in Federal Debt Collection

The Debt Collection Act of 1982 (DCA)[1] was passed in response to concern over the vast amount of delinquent debt owed to the federal government and the haphazard collection record of many agencies. While Congress appears to have been concerned mainly with various mass loan and loan guarantee programs, most conspicuously the student loan programs, the effects of the Act extend well beyond such programs. The Act included about a dozen provisions designed to facilitate collection, in many instances by removing obstacles created by other federal statues and case law. It also contained provisions authorizing the use of collection agencies,[2] charging of interest and penalty fees, reporting of delinquent debtors to credit bureaus, and use of IRS information to locate debtors.

While the purpose of the DCA was to enhance collection efforts, Congress was also concerned about the due process rights of debtors against whom the government was to take action. In adopting provisions for collection by offset against salaries and other money owed by the federal government, Congress provided for pre-offset opportunities for debtors to contest the relevant debts. Agencies implementing the offset authority under the DCA have used advantageously the latitude afforded under the DCA to develop a range of procedures. The Act provides two basic forms of debt collection by offset—"salary" offset and "administrative" offset—with differing procedures for each. A proceeding with an independent decisionmaker and adversary factfinding has been required in most salary offsets, and by a few agencies elsewhere. A range of less formal models, in which collection offices simply reconsider their decisions based on debtor-supplied data and other available information, has been employed in administrative offsets, i.e., those not involving the salaries of government employees.

The framework for offset dispute resolution established by the DCA, Federal Claims Collection Standards (issued jointly by the General Accounting Office and Department of Justice), and the Office of Personnel Management's Pay Administration Standards make possible reasonably adequate evaluation of disputes without seriously impeding collection of general government debts. No major changes are needed. However, the procedural requirements of the DCA and the OPM Standards are overly burdensome when applied to routine pay adjustments. Moreover, some advice to agencies on implementing their dispute processes, reducing uncertainty over the relationship of the DCA to other statutes (e.g., the Contract Disputes Act) affecting government claims, and some other issues raised by the DCA's attempt to integrate due process with effective debt collection, may be useful as agencies make greater use of their authority to collect debts.

Recommendation

1. Agency Procedures Under the Debt Collection Act

a. In connection with salary offsets, the General Accounting Office and Department of Justice should amend the Federal Claims Collection Standards[3] and the Office of Personnel Management should amend the Pay Administration Standards[4] so as to reduce the formality of procedures for handling routine adjustments of pay and travel allowances. Informal forms of review, including review on a "class" basis where a single error has a broad effect, should suffice in most cases involving computer errors, simple miscalculations, and similar kinds of mistakes or adjustments.

b. In connection with administrative offset, informal types of intra-agency review procedures appear consistent with the purposes of the DCA, and can provide a satisfactory balance between protecting debtors and assuring effective collection.[5] However, agencies should ensure, where possible, that the reviewer does not participate in the initial claims determination, particularly where a dispute involves substantive issues that go beyond allegations of mechanical or other simple kinds of error.

c. Procedures with an independent decisionmaker and adversarial factfinding may occasionally be desirable in administrative offset cases where a debtor raises relatively complex legal or factual issues or where assessments of credibility are required. However, these procedures may be needlessly burdensome for agencies even in some procedurally complex situations, such as where other proceedings with respect to the claim may be occurring and preservation of the government's flexibility is necessary. Taking into account these factors, agencies should consider whether to make use of such procedures even though apparently not required to do so by the DCA.

d. Agencies should take steps to enhance the awareness of, and access to, offset dispute procedures by debtors with limited ability to present a case in writing or otherwise cope with offset procedures. These steps may appropriately be confined to measures that are inexpensive and do not significantly interfere with efficient collection activity. Examples might include follow-up telephone calls to debtors with vague or inadequate written submissions, review of agency records to see if they support debtor allegations, and use of telephone hearings. In connection with salary offset disputes, these steps should be taken by independent hearing officials (or persons associated with them) as well as by collection staff. Experience should be monitored to see if measures to enhance accessibility of the dispute process in fact result in more debtors asserting meritorious defenses.

e. Some techniques that have been employed and should be considered to keep offset procedures expeditious and efficient are:

(i) Adoption of objective criteria to assist in making decisions respecting hardship and other potentially nebulous matters; and

(ii) Avoiding the need for oral hearings on issues of credibility by treating debtors' factual allegations as proven where

(a) Circumstances do not give rise to significant doubts as to reliability and

(b) Either the amount in dispute is small or the issue of credibility is not critical to the disputed facts.

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[1] 4 U.S. Code 552a (b) and (m), 5514; 18 U.S.C. 2115(i); 31 U.S.C. 3701, 3711(f), 3716–3719; Pub. L. No. 97–365.

[2] The Act was later amended to authorize, on an experimental basis, contracting with private attorneys to bring collection actions.

[3] 4 CFR Parts 101–105

[4] 5 CFR 550.1101–.1106

[5] This recommendation should not be read as detracting from the procedures for resolving disputes relating to federal grants that were recommended by the Conference in Recommendation 82-2. 1 CFR 305.82-2. Where administrative offset issues are addressed at the same time as post-award grant disputes, the proceedings should include a notice, an impartial decisionmaker, an opportunity to present significant evidence and argument, and a written decision, as called for in Recommendation 82-2.

2. Clarifying the Act's Relation to Offsets in Government Contracts

a. Congress should clarify the applicability of the DCA provision on administrative offset (31 U.S.C. 3716) to make clear that government acquisition contracts are not covered, but that the government retains the right of offset to collect debts in such cases. At the same time, Congress should ensure that, under relevant agency procedures, before a contracting officer's decision can serve as the basis for offset under any other authority,

(i) The contractor receives notice of the proposed government claims and the basis for them and an informal opportunity to present its position, and

(ii) The decision is informally reviewed by an agency official not directly connected with administering the contract.

b. The withholding of funds in connection with a single contract, where final payment has not occurred, should continue to be governed by existing law.

§ 305.87-10 Regulation by the Occupational Safety and Health Administration.

This is the second of two recommendations adopted by the Administrative Conference this year on Occupational Safety and Health Administration (OSHA) regulation. In its first recommendation,[1] the Conference recommended that OSHA make specific changes in its management of rulemaking and its process for establishing regulatory priorities. At that time, the Conference accepted OSHA's request that it continue to study possible broader changes to its regulatory process, including alternatives to the traditional hazard-by-hazard [2] regulation.

Having completed this study, the Conference recommends more extensive procedural changes to assist OSHA in fulfilling its statutory mandate of assuring adequate safeguards for American workers. OSHA has promulgated a small number of safety and health standards each year using the traditional hazard-by-hazard approach.[3] But the task before the agency is overwhelming existing processes. OSHA is responsible for regulating dangerous chemicals included in the tens of thousands of chemicals in the nation's workplaces, to which approximately one thousand new chemicals are added each year. OSHA also is charged with enforcing safety standards in American workplaces.

The Conference, therefore, recommends that OSHA undertake rulemaking to develop generic or class standards, including updating the 1971 national consensus standards, where appropriate. In addition, the Conference recommends a regulatory planning process and use of other procedures to supplement its traditional rulemaking process. It is important to add, however, that the Conference has found no alternative regulatory approach that is always appropriate or better than the traditional regulation. Rather, this recommendation identifies factors or conditions that favor the use of the various alternative regulatory approaches.

One uncertainty clouding OSHA's use of generic or class rulemaking is whether OSHA can obtain the information it needs to meet the burden of proof required by the Occupational Safety and Health Act ("Act") for safety and health standards. As interpreted by the courts, OSHA is required to show that a hazard poses a "significant risk" to workers and, if so, to set the standard at a level that assures "to the extent feasible" that no employee will suffer "material impairment of health or functional capacity." If OSHA is unable to obtain the information needed for its risk and feasibility determinations, the use of generic rulemaking, as well as other internal reforms, is not likely to lead to a more efficient regulatory process.

Experience with generic or class rulemaking may show that statutory changes are required to enable OSHA to adopt this procedure. The Conference, therefore, recommends amendments of the Occupational Safety and Health Act that Congress should consider if OSHA's administrative efforts to promulgate generic standards are not successful. One recommendation is that Congress provide an expedited procedure for updating the 1971 Table Z national consensus standards. The Conference also recommends that Congress reconsider the Act's regulatory standard in light of its judicial construction and agency experience. Specifically, Congress should consider giving OSHA greater flexibility in fashioning remedies to correspond to the level of workplace risks. Congress, for example, could allow OSHA to regulate some hazards to a level of "best available technology," as the Environmental Protection Agency is allowed to do under various statutes. The Conference also recommends that the Act's rigid statutory deadlines and detailed restrictions on advisory committees be removed. A final recommendation is that Congress replace the Act's "substantial evidence" judicial review standard with a standard that reflects the nature of rulemaking decisions.

Recommendation

1. *Updating the 1971 Consensus Standards.* The Occupational Safety and Health Administration, as an interim step, should continue to update the Table Z national consensus standards adopted in 1971 if updating can be accomplished by an expedited rulemaking procedure (*e.g.*, including more concise preambles) appropriate to the nature of the revised Table. OSHA should update the 1971 standards on a generic basis (*i.e.*, include multiple standards in one proceeding) when consensus recommendations are available, which are generally accepted by employers and workers in the affected industries, and when the new standards can be evaluated on the basis of risk and feasibility information reasonably available to the agency. This interim step should not interfere with OSHA's continuing responsibility to promulgate and modify safety and health standards.

2. *Rulemaking to Develop Generic or Class Standards.* OSHA should expand its use of generic or class standards regulating multiple health and safety hazards where appropriate and consistent with its legal mandate.

a. *Industry-wide standards.* OSHA should consider the following criteria when deciding if industry-wide generic standards will be more efficient and effective than hazard-by-hazard regulation: (1) Whether hazards are in an industry that can be discretely defined, (2) whether most of the hazards to be regulated are unique to the industry to be regulated, (3) whether the hazards in the industry are relatively static over time, and (4) whether industry-wide rulemaking will impose lower aggregate compliance costs on the regulated industry than rulemaking on a hazard-by-hazard basis.

b. *Multi-hazard standards.* OSHA should consider adopting multi-hazard standards whenever scientific knowledge and policy judgment make it possible to use the same or a similar risk assessment for a group of included hazards and the feasibility analysis can be simplified or expedited because standard abatement techniques are available.

c. *Generic work-practice standards.* OSHA should consider adopting work-practice standards (*e.g.*, training, worker protective devices, and engineering controls) applicable to multiple industries when the following factors are present: (1) A similar hazard exists in the industries that can be regulated by one rule, (2) the same or a similar work-practice requirement would be effective in all such industries, and (3) generic risk and feasibility findings are appropriate.

3. *Regulatory Alternatives and Procedures.* In addition to generic or class rulemaking, OSHA should adopt the following rulemaking alternatives and procedures as appropriate:

a. *Performance standards.* OSHA should generally use performance standards (*i.e.*, standards that prescribe

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[1] ACUS Recommendation 87-1, Priority Setting and Management of Rulemaking by the Occupational Safety and Health Administration, 52 FR 23629 (1987).

[2] As used in this recommendation, the term "hazard" without further modification refers to both safety hazards and health hazards (*e.g.*, exposure to toxic substances).

[3] During its first sixteen years, OSHA promulgated eighteen new health standards (setting permissible exposure limitations for twenty-three substances) and twenty-six safety standards.

the regulatory result to be achieved) whenever they will provide equivalent protection as that provided by design standards (*i.e.*, standards that prescribe a specific technology or precise procedure for compliance). In deciding which type of standard to employ, OSHA also should consider whether the standard can be readily understood and monitored and whether it may lower industry compliance costs.

b. *Information disclosure.* OSHA should continue to approve information disclosure requirements as a complement to regualtory standards.

c. *Negotiated rulemaking.* OSHA should continue to experiment with negotiated rulemaking procedures; [4] in so doing it should develop methods (such as specific deadlines for termination of any negotiation) to assure that the negotiated rulemaking procedure is discontinued in a timely manner if it is not working.

d. *Advisory committees.* OSHA should reactivate rulemaking advisory committees for difficult scientific and technological questions. The scientific orientation in such committees should be assured by including a high proportion of independent and government scientists on committees. In addition, questions assigned to such committees should be limited so that current statutory deadlines can be met. (*See also* section 5.c. below.) OSHA also should require its advisory committees to submit written reports which include the committee's evaluation of relevant data.

e. *Advance notice of proposed rulemaking.* OSHA should not routinely use advance notices of proposed rulemaking as an information-gathering technique; it should use an advance notice when information that is not available through other vehicles is likely to be forthcoming in response to such notice.

f. *Interagency coordination.* OSHA should continue to cooperate with other health and safety agencies and OMB to coordinate where possible the testing, evaluation, and regulation of potential health hazards.[5]

4. *Developing a Regulatory Plan.* OSHA should periodically develop and review regulatory plans which specify how the agency intends to regulate hazards on its priority lists, including identification of potential candidates for generic rulemaking, negotiated rulemaking, use of advisory committees and other regulatory approaches or techniques. To avoid duplication, OSHA should coordinate its regulatory plans with any submission required by the Office of Management and Budget.

a. *Regulatory planning committee.* OSHA should assign the initial responsibility for developing regulatory plans to an internal regulatory planning committee that includes representatives from all appropriate department and agency offices.

b. *Public availability.* OSHA should make a synopsis of the results of regulatory planning committee meetings available to the public after the Assistant Secretary has had an opportunity to review any proposed committee recommendations. In addition, OSHA should periodically provide an opportunity for public comment on its regulatory plan.

5. *Statutory Change.* OSHA should include in its periodic reports to Congress the status of its implementation of the administrative changes recommended in paragraphs 1 through 4 above. If statutory impediments or judicial decisions inhibit efficient and effective regulation, Congress should consider amendments of the Occupational Safety and Health Act, including the following:

a. *Consensus standards update.* Congress should amend the Act to provide an expedited procedure for the generic updating of the permissible exposure levels in Table Z, incorporated into OSHA standards at 29 CFR 1910.1000. This procedure, while not including all the steps specified in 29 U.S.C. 655(b) as construed by the courts, should afford an opportunity for public comment.

b. *Regulatory standard.* Congress should amend the Act to give OSHA greater flexibility in regulating workplace hazards. Following its experience in envioronmental regulation,[6] Congress should consider establishing a classification scheme that would vary OSHA's burden of justification for safety and health standards to correspond to the degree of risk posed by a hazard and the level of control to be required by the OSHA standard.

c. *Rulemaking deadlines.* Congress should amend the Act to replace the existing statutory deadlines for various stages of rulemaking with a provision requiring OSHA to set timetables or deadlines for each rulemaking proceeding.[7]

d. *Advisory committees.* Congress should amend 29 U.S.C. 656(b) to replace the detailed restrictions on standard-setting advisory committee membership with a general provision authorizing use of advisory committees subject only to the Federal Advisory Committee Act, 5 U.S.C. App.

e. *Judicial review standard.* Congress should amend the standard of judicial review for OSHA safety and health standards, 29 U.S.C. 655(f), so that agency policy judgments are subject to the traditional standard of "arbitrariness" and the factual premises on which they are based are subject to a standard of "substantial support in the administrative record viewed as a whole." [8]

§ 305.87-11 Alternatives for Resolving Government Contract Disputes.

Government procurement is a major component of federal spending. It now comprises an important part of the nation's economy. The recent expansion of government contracting has been matched, perhaps exceeded, by the rise in disputes between agencies and contractors. Increasingly, management problems are handed over to lawyers and accountants to be resolved contentiously by criteria that are often only marginally relevant. Causal factors include increased regulatory requirements; reduced authority of agency contracting officers; a greater willingness among contractors to resort to litigation; an expanding government contracts bar; broadened notions of due process; enhanced congressional oversight that can discourage settlement; and the establishment (or expansion) of offices of inspector general and intra-agency audit offices.

Most knowledgeable government officials, contractors and attorneys agree that government contract appeals have become too onerous, too expensive and too time-consuming. Despite Congress' goals in enacting the Contract Disputes Act of 1978 ("CDA") to provide an expeditious alternative to court litigation and to encourage negotiated settlements, most appeals are not now resolved either promptly or inexpensively. Agency boards of contract

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[4] The Conference has previously provided guidance to agencies on the use of negotiated rulemaking, *see* ACUS Recommendations 82-4 and 85-5, Procedures for Negotiating Proposed Regulations, 1 CFR 305.82-4, 85-5 (1987).

[5] The need for interagency coordination of federal regulation of cancer-causing chemicals is addressed in Part II of ACUS Recommendation 82-5, 1 CFR 305.82-5 (1987).

[6] Under the Federal Water Pollution Control Act, 33 U.S.C. 1251-1376 (1982), and the Clean Air Act, 42 U.S.C. 7401-7642 (1982), Congress has authorized different classes of regulation, specified an initial designation, established a lower burden of proof for regulation that is less strict, and has indicated that the agency is to receive deference for its final choice of which class of regulation to apply. A similar approach is used for Food and Drug Administration regulation under the Medical Devices Amendments to the Food, Drug, and Cosmetic Act, 21 U.S.C. 360c-360k (1982).

[7] *See* ACUS Recommendation 78-3, Time Limits on Agency Actions, 1 CFR 305.78-3 (1987).

[8] The recommended standard follows ACUS Recommendation 74-4, 1 CFR 305.74-4, ¶¶ 3, 4 (1987). It is also consistent with the Restatement of the Scope of Review Doctrine adopted by the Administrative Law Section of the American Bar Association.

appeals ("BCAs"), originally intended to be alternatives to courts, have become "judicialized," with depositions, discovery and lenghty opinions common.

The system established by the CDA [1] begins with the contracting officer ("CO"), an agency official whose function is to enter into and administer government contracts. Any claim arising out of a contract is to be presented to the CO. The CO has a dual role: to represent the government as a party to the contract, and also to make initial decisions on claims subject to certain procedural safeguards. If the dispute is not amicably resolved, the CDA requires the CO to issue a brief written decision stating his or her reasons. A contractor dissatisfied with a CO's decision may appeal either to an agency BCA or directly to the United States Claims Court. The proceedings become considerably more formal at this stage. While agency boards and their rules are hardly uniform, they typically involve written notice of appeal and complaint, discovery, depositions, subpoenas, hearings that result in transcripts, and board decisions signed by three-member panels. "Accelerated" procedures are available for claims under $50,000, and a more streamlined "expedited" process for claims under $10,000.

A variety of remedies have been prescribed for the growing cost, delay, and other problems encountered in federal disputes. They range from marginal revisions of the boards (e.g., enlargement of BCA resources), to increased professionalization of COs, to structural changes in the ways agencies do business. While a number of these proposals have merit, the Conference is focusing herein only on the cluster of methods that have come to be known as alternative means of dispute resolution ("ADR").[2] These methods are consistent with the CDA's goals, and have proven efficient and fair. They serve to involve decisionmakers, rather than their representatives, in the conflict resolution process. ADR methods have regularly aided private parties to resolve disputes similar to those decided by BCAs.

Several ADR methods are particularly appropriate to resolving many government contract claims, and a few agencies have begun to experiment successful with them. The Conference urges all major contracting agencies, and persons who deal with them, to explore seriously the potential uses for ADR and to begin creating an atmosphere in which these methods can be readily employed.[3]

This recommendation offers advice on the application of commonly used ADR methods to post-award contract disputes before agency boards of contract appeals.

Recommendation

1. Agencies' ADR Policies and Practices

a. Congress should amend the Contract Disputes Act (1) to make indisputably clear that the contractor and the government may agree to use arbitration [4] or any other mutually agreeable ADR procedures for resolving claims relating to agency contracts and (2) to encourage COs to make all reasonable efforts to resolve a claim or dispute consensually, either prior to issuance of a CO decision or subsequently.

b. The President should promulgate an Executive Order that encourages voluntary use of ADR procedures to resolve contract disputes at the CO and BCA levels.

c. The Office of Federal Procurement Policy should issue a policy statement, and the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council should amend the Federal Acquisition Regulation,[5] to encourage COs, before issuing a decision likely to be unacceptable to a claimant, to recommend to the parties and their representatives that they seek to explore the use of ADR to resolve their differences. The policy statement and FAR should also encourage agencies to adopt policies or rules concerning ADR, as set forth below.

d. Agencies should adopt policies encouraging voluntary use of ADR in contract disputes. The policies should place the responsibility for implementing ADR with contracting officers, government counsel, and BCA judges. These policies should make clear that superior agency officials will support reasonable settlements reached by means of properly selected ADR methods. The policy should also provide for systematic review of all cases for susceptibility to ADR, specify who has authority to approve the selection of case for ADR, and set forth guidance on documenting the negotiation processes or justifying settlements. Agencies should also consider, as a matter of general policy, offering certain forms of ADR to contractors in specified kinds of disputes (e.g., those involving less than a stated maximum amount).

e. Agencies should adopt regulations that (1) authorize agency officers to make use of ADR in contract disputes; (2) make provisions for automatically alerting the parties, both at the CO level and as soon as an appeal is filed, that one or more ADR methods is available; (3) authorize BCA judges to encourage ADR use and to require the attendance, at any conference held for the purpose of proposing or implementing ADR, of at least one representative of each party who has authority to negotiate concerning the resolution of all issues in controversy; (4) briefly describe the alternative procedures; (5) authorize the parties to agree to vary any procedural rule in their case; and (6) insure confidentiality of communications made during use of ADR methods.

f. Agency boards of contract appeals should:

(1) Routinely include in docketing notices an announcement indicating the availability of ADR, describing the available methods, and telling how interested persons can follow up to explore potential ADR use in their cases.

(2) Amend their procedural rules to provide explicitly for conferences to consider the possible use of ADR in each case to help dispose of any or all issues in dispute.

g. Presiding and chief judges at BCAs should regularly review their dockets and suggest use of a settlement judge, mediation, minitrial, or other ADR methods whenever appropriate.

2. Employing Alternatives in Contract Disputes

a. Finding Neutrals [6]

(1) To facilitate the parties' choice of appropriate neutrals, the Administrative Conference, in consultation with the Federal Mediation and Conciliation Service and other knowledgeable groups, should establish a central roster of minitrial advisors and other neutrals available to help resolve government contract disputes. Use of the list, however, should not be mandatory. The list should include, at a minimum:

(a) All persons who have experience as neutral advisors in government contracts minitrials;

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[1] 41 U.S.C. 601.613; 5 U.S.C. 5108 (c)(3); 28 U.S.C. 1346(a) (2), 149(a) (2), 2401(a), 2414, 2510, 2517; 31 U.S.C. 1304(a)(3)(C) (1982); enacted November 1, 1978 by Pub. L. No. 95-563, 92 Stat. 2383.

[2] These include arbitration, factfinding, minitrial, mediation, facilitation, convening, conciliation, and negotation.

[3] The Conference has repeatedly recommended that agencies employ ADR. Recommendation 86-3 calls on agencies to make greater use of mediation, negotiation, minitrials, and other "ADR" methods to reduce the delay and contentiousness accompanying many agency decisions. *Agencies' Use of Alternative Means of Dispute Resolution*, 1 CFR 305.86-3. The Conference has previously called for using mediation, negotiations, informal conferences and similar innovations to decide certain kinds of disputes more effectively. E.g., *Procedures for Negotiating Proposed Regulations*, 1 CFR 305.82-4, 85-5; *Negotiated Cleanup of Hazardous Waste Sites Under CERCLA*, 1 CFR 305.84-4; *Resolving Disputes under Federal Grant Programs*, 1 CFR 305.82-2.

[4] Such arbitration authority should be consistent with the procedures and safeguards set forth in Conference Recommendations 86-3, *id.* and 87-5, *Assuring the Fairness and Acceptability of Arbitration in Federal Programs*, 1 CFR 305.87-5.

[5] 48 CFR Part 7

[6] In Recommendation 86-8 *Acquiring the Services of "Neutrals" for Alternative Means of Dispute Resolution*, 1 CFR § 305.86-8, the Conference addressed issues involving neutrals' availability, qualifications and acquisition. The present Recommendation seeks to elaborate on 86-8 in the specific context of contract appeals.

(b) Any BCA judges and administrative law judges who wish to serve as neutral advisors for disputes within their own agency, another agency, or both. (Some safeguards to ensure interagency reciprocity and to assure no other involvement with the dispute may be necessary); and

(c) Any retired federal or state court judges, BCA judges, and administrative law judges who are interested.

(2) Each BCA should take steps to make available its judges to serve as settlement judges, minitrial advisors, or other neutrals to help resolve disputes before other agencies' BCAs.

b. Minitrials

(1) Agencies should develop and distribute minitrial guidelines that include sections dealing with criteria for identifying appropriate cases; contents of minitrial agreements; rules as to any discovery; roles of the participants, including any neutral; authority of the principals; exchange of position papers, audit reports, quantum submissions, and other documents and exhibits; procedure and format of the hearing; possible time limit on the negotiations; fees and expenses; and procedures for ensuring the confidentiality of the proceedings. The guidelines, which should be used only as procedural suggestions, should also give each party the right to terminate the minitrial procedure at any time for any reason. Any guidelines acceptable to the parties, together with other provisions relevant to the resolution of the dispute, should be incorporated.

(2) In selecting principals to represent the agency in a minitrial, agencies should ensure that principals in the minitrial agreement:

(a) Are of sufficient rank in the agency to negotiate, and successfully defend, a binding settlement.

(b) Have authority to bind their organizations in the dispute at hand, or at least to make recommendations that will be accorded substantial weight.

(c) Ideally have little prior involvement with the case so as to be able to evaluate objectively the issues and the agency's potential liability.

(d) Have enough background to grasp the main issues quickly.

(e) Not be at such a high level that his or her involvement will detract in a major way from the agency's operations.

Agencies should meet the concerns by, among other things, tailoring the rank of the principal to suit the magnitude of the case and by encouraging ADR use earlier in the case (e.g., the CO level).

(3) Agencies should take steps to make participation as a principal an attractive career step and encourage or provide training in negotiation and mediation skills among groups of potential principals.

(4) Principals should generally have access to technical, legal, accounting, or other advice from agency staff during the hearings and negotiations so as to produce a more well-informed, defensible resolution, enhance accountability, and build intra-organizational support for any settlement. Unless secrecy in especially important, it will ordinarily be unwise to sequester most minitrial witnesses, particularly experts, since a looser format may encourage dialogs or exchanges that can help focus issues and sometimes promote agreement.

(5) Once the principals have had a chance to assess the strengths and weaknesses of both sides' positions, their negotiations should take place promptly and should be final and binding. The responsible principals ordinarily should have authority to resolve all issues before them without seeking further agency approval following the close of negotiations.

(6) While the "neutral advisor" who helps the principals at a minitrial assess the merits of a case can be quite useful, the parties should consider foregoing such aid in cases where the principals already have a good working relationship, where issues are simple or amounts small, or, conversely, where complex technical issues predominate to such an extent that it would be futile to waste time trying to educate a neutral. Neutrals probably will also be less needed where the minitrial occurs early on—for instance, at the CO level—when positions may be less rigid, formal procedures not yet invoked, and fewer parts of the agency involved. In those cases, the CO might well serve as a sort of presider-principal.

(7) A neutral advisor's role should be defined by the parties (at least tentatively) prior to the hearing by the principals. Any shift during the proceeding should be only with the concurrence of the principals.

(8) Where minitrial neutral advisors are used, the parties should consider whether to seek their assistance in any of the following ways:

(a) Presiding over the hearing;

(b) Serving as a source of information, responding to technical legal questions, or offering insights and observations on issues in controversy;

(c) Posing questions at the hearing so as to ensure that the basic facts are ascertained;

(d) Suggesting novel approaches to presenting relevant information;

(e) Working actively during the principals' negotiation sessions to aid settlement, as by advising each side on the strengths and weaknesses of its case, relevant legal principles, and how the law might apply to the facts established;

(f) Serving as a mediator;

(g) Suggesting that certain advisors or staff members be brought into the negotiations or briefed; or

(h) Providing a written, nonbinding opinion to the principals, or helping them prepare a justification for the settlement agreed on.

c. Mediation

Agency boards of contract appeals should establish mediation programs in which parties can be required to attend an initial session with a mediator. The boards should require parties to be represented at the session by a person with authority to negotiate concerning the resolution of all issues in controversy. The boards may wish to exclude from these programs certain kinds of cases. Counsel should be required, where appropriate, to provide specified documents to the mediator, and to prepare short position papers.

d. Settlement Judges

(1) Agency boards of contract appeals should institute a procedure under which a settlement judge—not the presiding judge in the case—may be appointed to preside over settlement conferences or negotiations, assess settlement potential, and work with the parties to explore possible settlement of a dispute. The settlement judge device should be capable of being invoked at the discretion of the chief judge on his or her own motion or that of any participant or the presiding judge. An order appointing a settlement judge should specify whether, and to what extent, the proceeding is suspended during the settlement negotiations and may define the scope of any negotiations to specified issues. The order may also expressly limit the period for settlement negotiations and require a brief report from the settlement judge. Each party should have the right to refuse to use the process, or to withdraw at any time.

(2) The settlement judge should be deemed to have the power to suggest privately what concessions a party should consider, to confer privately as to the reasonableness of each party's case or settlement position, and to require that representatives with authority to negotiate concerning resolution of all issues in controversy be present at the settlement conference.

The settlement judge shall be prohibited from discussing the merits of a case with any other BCA judge or other person, and shall not be called as a witness in the case.

3. Documentation and Oversight

a. Agencies should offer guidance to their personnel on the degree of documentation that is appropriate to justify settlements that have been reached via ADR; the guidance should emphasize the needs for flexibility without undermining accountability. For instance, the guidance could require the principal representing the agency in negotiations or his advisor to set down cost and other factors taken into consideration, the principal elements of the negotiation, likelihood of success at trial, and other significant facts or considerations justifying any significant differences between prenegotiation objectives and negotiated result; in short, a reflection of the thought process or rationale of officials who agreed to the settlement. This documentation should not exceed what would ordinarily be used to justify negotiated settlements of contract disputes, and should generally be written after the fact so that ongoing negotiations are not jeopardized or delayed. A neutral advisor who has helped the parties resolve a potentially serious case may be asked to help draw up the justification memo, or offer a brief advisory decision.

b. Since the effectiveness of expanded reliance on ADR will depend in part on the degree of support or opposition from congressional committees and offices of inspector general, agencies should seek to document, and furnish periodically to relevant committees and oversight offices information on, the relative costs and benefits of ADR methods in cases where they have been used. Documentation should include case results, estimated savings, identities of principals and advisors, and nature of processes used.

4. Training and Outreach

a. Agencies should give priority attention to offering training in negotiation and other ADR skills to BCA judges, government attorneys, COs, and others involved in contract appeals. Training courses or seminars should be developed by agencies jointly or in cooperation with the Administrative Conference, Federal Mediation and Conciliation Service, Board of Contract Appeals Judges Association, American Bar Association, or other professional organizations. Agencies should also work with other interested groups to sponsor similar programs or outreach sessions for contractors and their representatives, and seek to incorporate materials on ADR into the training curricula for COs and project managers.

b. Agencies should designate an employee to serve as an ADR specialist in connection with contract disputes, and should consider retaining the services of a trained mediator or similar professional to review cases for susceptibility to ADR, advise BCA judges, and mediate selected cases.

§ 305.87-12 Adjudication practices and procedures of the Federal Bank Regulatory Agencies.

The five federal agencies that regulate the activities of depository institutions [1] have broad statutory enforcement authority, including the power to issue cease-and-desist orders, impose civil money penalties, or order the suspension and removal of officers. Such enforcement actions ordinarily allow the target of the proposed sanction to request a formal APA hearing before an administrative law judge.

In recent years, enforcement actions taken by the bank regulatory agencies have increased markedly, although the preponderance of these actions are taken without a formal hearing—based on consent agreements or waivers of formal hearing. The current level of formal hearings has, however, reached the point where attention should be paid to the procedures and practices of the bank regulatory agencies in this regard.

Three basic concerns have emerged from an evaluation of the formal hearing procedures of the bank regulatory agencies, which may be summarized as the need for: (1) Consistency and greater uniformity in the agencies' implementation of shared statutory reponsibilities, (2) greater accessibility of agency decisions and the basis for decisions, and (3) more efficient use of administrative law judges.

Although the Conference study did not specifically address the need for change in the division of regulatory responsibilities among the five agencies, it did conclude that the interpretation of identical or similar regulatory authorities does not appear to be inconsistent. By contrast, the formal hearing procedures of the agencies vary significantly, both in their specific provisions and in their level of detail. Moreover, all of the regulations are lacking in detail on rules concerning prehearing practice, discovery and evidence. Given the similar statutory bases for these enforcement actions, the five agencies jointly should be able to develop substantially similar rules of procedure and practice for formal enforcement proceedings.

There is currently limited publication or public dissemination of the bank regulatory agencies' enforcement decisions. This hinders counsel in advising and representing clients and makes it difficult for administrative law judges (who currently are all on loan from other agencies) to apply the complicated statutes and regulations that are involved. This situation would be remedied by improved availability or publication of appropriately redacted agency decisions. Such publication would heighten public awareness of enforcement actions which now are described only in aggregate data published in annual reports. This may be especially beneficial because the agencies have not regularly supplemented or clarified their enforcement policies through interpretive rules or policy statements.

None of the five agencies employs administrative law judges (ALJs) to hear enforcement cases. Rather, they rely exclusively on the interagency ALJ loan program administered by the Office of Personnel Management (OPM) to furnish them with needed ALJs. OPM has attempted to accommodate agency concerns by providing lengthier loan periods and repeat loans. Nevertheless, the system seems to produce needless discontinuity and inefficiency. To improve this situation, the bank regulatory agencies should, in consultation with OPM, consider the advisability of an arrangement by which a pool of administrative law judges could handle all bank regulatory agencies' formal adjudications—subject to an agency's decision to have its own ALJs, should the caseload warrant. If so, ways should be explored to effect such an arrangement. For example, one or more full-time judges could be hired by one of the agencies, which would then serve as the lending agency for the others.

Finally, the Conference urges the agencies to explore whether a pre-complaint procedure (modeled on that used by the Securities and Exchange Commission) would be appropriate in their individual circumstances and should be established. This would enable targets of enforcement investigations to file a submission to the agency head or other agency official charged with the responsibility to initiate formal enforcement proceedings, before such an action is initated.

Recommendation

The bank regulatory agencies should take the following actions to improve their formal adjudicatory processes, with respect to regulatory enforcement actions:

1. *Uniform Rules of Procedures.* The agencies should develop, so far as feasible, a uniform set of rules of practice and procedure for formal adjudications, including more explicit provisions covering prehearing practice

[1] The term "depository institutions" refers to commercial banks, savings banks and savings and loan associations, and credit unions. The five agencies are the Office of the Comptroller of the Currency (in the Department of the Treasury), the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board (including the Federal Savings and Loan Insurance Corporation), and the National Credit Union Administration. In the aggregate they will be referred to as the "bank regulatory agencies."

and discovery rules,[2] and the receipt of evidence.[3]

2. *Availability of Decisions.* The agencies should make available through regular publication, or other accessible means of dissemination, the appropriately redacted decisions and accompanying opinions issued in formal enforcement adjudications.

3. *Policy Articulation.* The agencies should supplement and periodically clarify enforcement policies set forth in adjudicative opinions by regularly articulating their enforcement policies through rules of general applicability (including interpretive rules) and policy statements.

4. *Administrative Law Judges.* The agencies, in consultation with the Office of Personnel Management, should consider the advisability of an arrangement by which a pool of administrative law judges could handle all bank regulatory agencies' enforcement adjudications required to be conducted according to the Administrative Procedure Act, and, if so, should explore ways to develop such an arrangement.

5. *Precomplaint Notice.* The agencies should explore, in their circumstances, the utility of establishing a formal or informal procedure to allow targets of investigations an opportunity to file a submission with the appropriate agency official before official action is taken to initiate an enforcement proceeding.

Jeffrey S. Lubbers,

Research Director.

Dated: December 23, 1987.

[FR Doc. 87-29772 Filed 12-29-87; 8:45 am]

BILLING CODE 6110-01-M

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Part 1303

Freedom of Information Reform Act of 1986; Revision of Fee Schedule, Fee Waiver Policy, and Law Enforcement Exemption

AGENCY: Office of Management and Budget.

ACTION: Final rule.

SUMMARY: The Office of Management and Budget (OMB) amends its Freedom of Information Act (FOIA) regulations to conform with provisions of the Freedom of Information Reform Act of 1986 (Pub. L. 99-570) regarding fees, fee waivers, and law enforcement records. As required by the Reform Act, OMB has developed these amendments pursuant to and in conformity with the Uniform Freedom of Information Act Fee Schedule and Guidelines (Fee Schedule and Guidelines) promulgated by OMB, 52 FR 10012 (March 27, 1987).

EFFECTIVE DATE: January 29, 1988.

FOR FURTHER INFORMATION CONTACT: Robert Damus, Office of General Counsel, Office of Management and Budget, Telephone (202) 395-5600.

SUPPLEMENTARY INFORMATION: The Freedom of Information Reform Act amended FOIA (5 U.S.C. 552) by modifying exemption 7 (pertaining to law enforcement records) and by adding new provisions relating to the charging and waiving of fees. In order to assist agencies in the task of amending their FOIA regulations to conform with these changes, the Reform Act specifically required OMB to develop, for the agencies' use, both a schedule of fees and guidelines for applying certain provisions of the Reform Act. After public notice and comment, OMB issued the Fee Schedule and Guidelines on March 27, 1987 (52 FR 10012).

On August 19, 1987 (52 FR 31036), OMB published for notice and comment proposed amendments to OMB's own FOIA regulations (5 CFR 1303). At the end of the comment period, September 1, 1987, OMB had received 2 comments, both of which addressed exclusively the proposed fee provisions.

The comments primarily focused upon the proposed definitions of "commercial use request," "educational institution," and "representative of the news media," as well as the proposed rules governing (1) the calculation of computer search time for construing the Reform Act's automatic waiver of fees for the first two hours of search time, (2) charges for unsuccessful searches and (3) advance payment of fees. See §§ 1303.30(g)(h)(j); 1303.40(h)(3); 1303.60(b), (d). These definitions and rules are taken verbatim, in all material respects, from the OMB Fee Schedule and Guidelines (sections 6g, h, j; 7f; 9b, d; see 52 FR at 10017-20), to which the Reform Act requires agencies to conform their FOIA regulations. See 5 U.S.C.A. 552(a)(4)(A)(i) (1987 Pocket Part). Accordingly, OMB's adoption of these provisions requires no further explanation. In any event, OMB addressed these issues at length when promulgating the Fee Schedule and Guidelines. See 52 FR at 10013-17.

The only remaining comment questioned whether the proposed duplication charge of $.25 per page exceeded OMB's "reasonable direct costs of making such copies," under the governing standard in Section 7d of the Fee Schedule and Guidelines, 52 FR at 10018. Upon further examination, we have concluded that the reasonable direct duplication cost per page is $.175. For administrative efficiency, however, we will charge only $.15 per page. Section 1303.40(d) incorporates this change.

Finally, OMB had deleted from the final rule proposed § 1303.70(b):

> Fees otherwise chargeable in connection with a request for disclosure of a record shall be waived or reduced where—
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> * * * * *
>
> (b) It is determined that the cost of collection would be equal to or exceed the amount of such fees.

The deletion has no substantive effect, but is intended merely for clarity. As amended by the Reform Act, the FOIA prohibits the charging of fees in the circumstances described in paragraph (b) above. See 5 U.S.C.A. 552(a)(4)(A)(iv)(I) (1987 Pocket Part). As a result, such fees are *not* "otherwise chargeable," see § 1303.40(h) below, and therefore cannot be "waived or reduced."

Accordingly, for reasons set forth in the preamble, 5 CFR Part 1303 is amended as follows:

PART 1303—[AMENDED]

1. The authority citation for Part 1303 is revised to read as follows:

Authority: 5 U.S.C. 552, as amended by Pub. L. 93-502 and Pub. L. 99-570.

2. Section 1303.20(c)(7) is revised to read as follows:

§ 1303.20 Inspection, copying, and exceptions.

* * * * *

(c) * * *

(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis, and,

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[2] See ACUS Recommendation 70-4, Discovery in Agency Adjudication, 1 CFR 305.70-4.

[3] See ACUS Recommendation 86-2, Use of the Federal Rules of Evidence in Agency Adjudications, 1 CFR 305.86-2.

in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law information investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

3. Section 1303.30 is revised, and §§ 1303.40, 1303.50, 1303.60 and 1303.70 are added to read as follows:

§ 1303.30. Definitions.

For the purpose of these regulations:

(a) All the terms defined in the Freedom of Information Act apply.

(b) A "statute specifically providing for setting the level of fees for particular types of records" (5 U.S.C. 552(a)(4)(A)(vi)) means any statute that specifically requires a government agency, such as the Government Printing Office (GPO) or the National Technical Information Service (NTIS), to set the level of fees for particular types of records, in order to:

(1) Serve both the general public and private sector organizations by conveniently making available government information;

(2) Ensure that groups and individuals pay the cost of publications and other services that are for their special use so that these costs are not borne by the general taxpaying public;

(3) Operate an information dissemination activity on a self-sustaining basis to the maximum extent possible; or

(4) Return revenue to the Treasury for defraying, wholly or in part, appropriated funds used to pay the cost of disseminating government information.

Statutes, such as the User Fee Statute, which only provide a general discussion of fees without explicitly requiring that an agency set and collect fees for particular documents do not supersede the Freedom of Information Act under section (a)(4)(A)(vi) of that statute.

(c) The term "direct costs" means those expenditures that OMB actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space, and heating or lighting the facility in which the records are stored.

(d) The term "search" includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. OMB employees should ensure that searching for material is done in the most efficient and least expensive manner so as to minimize costs for both the agency and the requester. For example, employees should not engage in line-by-line search when merely duplicating an entire document would prove the less expensive and quicker method of complying with a request. "Search" should be distinguished, moreover, from "review" of material in order to determine whether the material is exempt from disclosure (see paragraph (f) of this section). Searches may be done manually or by computer using existing programming.

(e) The term "duplication" refers to the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others. The copy provided must be in a form that is reasonably usable by requesters.

(f) The term "review" refers to the process of examining documents located in response to a request that is for a commercial use (see paragraph (g) of this section) to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, *e.g.*, doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(g) The term " 'commercial use' request" refers to a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, OMB must determine the use to which a requester will put the documents requested. Moreover, where an OMB employee has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, the employee should seek additional clarification before assigning the request to a specific category.

(h) The term "educational institution" refers to a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, or an institution of vocational education, that operates a program or programs of scholarly research.

(i) The term "non-commercial scientific institution" refers to an institution that is not operated on a "commercial" basis (as that term is referenced in paragraph (g) of this section), and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

(j) The term "representative of the news media" refers to any peson actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (*e.g.*, electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it. A publication contract would be the clearest proof, but OMB may also look to the past publication record of a requester in making this determination.

§ 1303.40 Fees to be charged—general.

OMB should charge fees that recoup the full allowable direct costs it incurs. Moreover, it shall use the most efficient and least costly methods to comply with requests for documents made under the FOIA. When documents that would be responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs (see definition in Sections 1303.30(b)), such as the NTIS, OMB should inform

requesters of the steps necessary to obtain records from those sources.

(a) *Manual searches for records.* OMB will charge at the salary rate(s) (*i.e.*, basic pay plus 16 percent) of the employee(s) making the search.

(b) *Computer searches for records.* OMB will charge at the actual direct cost of providing the service. This will include the cost of operating the central processing unit (CPU) for that portion of operating time that is directly attributable to searching for records responsive to a FOIA request and operator/programmer salary apportionable to the search.

(c) *Review of records.* Only requesters who are seeking documents for commercial use may be charged for time spent reviewing records to determine whether they are exempt from mandatory disclosure. Charges may be assessed only for the initial review; *i.e.*, the review undertaken the first time OMB analyzes the applicability of a specific exemption to a particular record or portion of a record. Records or portions of records withheld in full under an exemption that is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review is assessable.

(d) *Duplication of records.* Records will be duplicated at a rate of $.15 per page. For copies prepared by computer, such as tapes or printouts, OMB shall charge the actual cost, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, OMB will charge the actual direct costs of producing the document(s). If OMB estimates that duplication charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with agency personnel with the object of reformulating the request to meet his or her needs at a lower cost.

(e) *Other charges.* OMB will recover the full costs of providing services such as those enumerated below when it elects to provide them:

(1) Certifying that records are true copies;

(2) Sending records by special methods such as express mail.

(f) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Treasury of the United States and mailed or delivered to the Deputy Assistant Director for Administration, Office of Management and Budget, Washington, DC 20503.

(g) A receipt for fees paid will be given upon request. Refund of fees paid for services actually rendered will not be made.

(h) *Restrictions on assessing fees.* With the exception of requesters seeking documents for a commercial use, OMB will provide the first 100 pages of duplication and the first two hours of search time without charge. Moreover, OMB will not charge fees to any requester, including commercial use requesters, if the cost of collecting a fee would be equal to or greater than the fee itself.

(1) The elements to be considered in determining the "cost of collecting a fee" are the administrative costs of receiving and recording a requester's remittance, and processing the fee for deposit in the Treasury Department's special account.

(2) For purposes of these restrictions on assessment of fees, the word "pages" refers to paper copies of "8½ x 11" or "11 x 14." Thus, requesters are not entitled to 100 microfiche or 100 computer disks, for example. A microfiche containing the equivalent of 100 pages or 100 pages of computer printout, does meet the terms of the restriction.

(3) Similarly, the term "search time" in this context has as its basis, manual search. To apply this term to searches made by computer, OMB will determine the hourly cost of operating the central processing unit and the operator's hourly salary plus 16 percent. When the cost of search (including the operator time and the cost of operating the computer to process a request) equals the equivalent dollar amount of two hours of the salary of the person performing the search, *i.e.*, the operator, OMB will begin assessing charges for computer search.

§ 1303.50 Fees to be charged—categories of requesters.

There are four categories of FOIA requesters: commercial use requesters; educational and non-commercial scientific institutions; representatives of the news media; and all other requesters. The specific levels of fees for each of these categories are:

(a) *Commercial use requesters.* When OMB receive a request for documents for commercial use, it will assess charges that recover the full direct costs of searching for, reviewing for release, and duplicating the record sought. Requesters must reasonably describe the records sought. Commercial use requesters are not entitled to two hours of free search time nor 100 free pages of reproduction of documents. OMB may recover the cost of searching for and reviewing records even if there is ultimately no disclosure of records (see § 1303.60(b)).

(b) *Educational and non-commercial scientific institution requesters.* OMB shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, requesters must show that the request is being made as authorized by and under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research. Requesters must reasonably describe the records sought.

(c) *Requesters who are representatives of the news media.* OMB shall provide documents to requesters in this category for the cost of reproduction alone, excluding charges for the first 100 pages. To be eligible for inclusion in this category, a requester must meet the criteria in § 1303.10(j), and his or her request must not be made for a commercial use. In reference to this class of requester, a request for records supporting the news dissemination function of the requester shall not be considered to be a request that is for a commercial use. Requesters must reasonably describe the records sought.

(d) *All other requesters.* OMB shall charge requesters who do not fit into any of the categories above fees that recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. Moreover, requests for records about the requesters filed in OMB's systems of records will continue to be treated under the fee provisions of the Privacy Act of 1974 which permit fees only for reproduction. Requesters must reasonably describe the records sought.

§ 1303.60 Miscellaneous fee provisions.

(a) *Charging interest—notice and rate.* OMB may begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the billing was sent. The fact that the fee has been received by OMB within the thirty day grace period, even if not processed, will suffice to stay the accrual of interest. Interest will be at the rate prescribed in section 3717 of Title 31 of the United States Code and will accrue from the date of the billing.

(b) *Charges for unsuccessful search.* OMB may assess charges for time spent searching, even if it fails to locate the records or if records located are determined to be exempt from disclosure. If OMB estimates that search charges are likely to exceed $25, it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as these anticipated. Such a notice shall offer the requester the opportunity to confer with agency personnel with the object of reformulating the request to meet his or her needs at a lower cost.

(c) *Aggregating requests.* A requester may not file multiple requests at the same time, each seeking portions of a document or documents, solely in order to avoid payment of fees. When OMB reasonably believes that a requester or, on rare occasions, a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, OMB may aggregate any such requests and charge accordingly. One element to be considered in determining whether a belief would be reasonable is the time period over which the requests have occurred.

(d) *Advance payments.* OMB may not require a requester to make an advance payment, *i.e.*, payment before work is commenced or continued on a request, unless:

(1) OMB estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250. Then, OMB will notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charged in a timely fashion (*i.e.*, within 30 days of the date of the billing). Then, OMB may require the requester to pay the full amount owed plus any applicable interest as provided above or demonstrate that he or she has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester.

When OMB acts under paragraph (d) (1) or (2) of this section, the administrative time limits prescribed in the FOIA, 5 U.S.C. 552(a)(6) (*i.e.*, 10 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extensions of these time limits) will begin only after OMB has received fee payments described above.

(e) *Effect of the Debt Collection Act of 1982 (Pub. L. 97-365).* OMB should comply with provisions of the Debt Collection Act, including disclosure to consumer reporting agencies and use of collection agencies, where appropriate, to encourage repayment.

§ 1303.70 Waiver or reduction of charges.

Fees otherwise chargeable in connection with a request for disclosure of a record shall be waived or reduced where it is determined that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester.

James C. Miller III,

Director.

[FR Doc. 87-29854 Filed 12-29-87; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 87-144]

Tuberculosis in Cattle and Bison; State Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the regulations governing the interstate movement of cattle and bison because of tuberculosis by raising the designation of Kentucky from a modified accredited state to an accredited-free state. This action is necessary because we have determined that Kentucky meets the criteria for designation as an accredited-free state.

DATES: Interim rule effective December 30, 1987. Consideration will be given only to comments postmarked or received on or before March 1, 1988.

ADDRESS: Send an original and two copies of written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Specifically refer to Docket Number 87-144. You may review these comments at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Mondy through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph L. Hosker, Senior Staff Veterinarian, Domestic Programs Support Staff, VS, APHIS, USDA, Room 815, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8438.

SUPPLEMENTARY INFORMATION:

Background

The "Tuberculosis" regulations (contained in 9 CFR Part 77 and referred to below as the regulations) regulate the interstate movement of cattle and bison because of tuberculosis. The requirements of the regulations concerning the interstate movement of cattle and bison not known to be affected with, or exposed to, tuberculosis are based on whether the cattle and bison are moved from jurisdictions designated as accredited-free states, modified accredited states, or nonmodified accredited states. The criteria for determining the status of states (the term state is defined to mean any state, territory, the District of Columbia, or Puerto Rico) or portions of states are contained in a document captioned "Uniform Methods and Rules-Bovine Tuberculosis Eradication", 1985 edition, which has been made part of the regulations by incorporation by reference. The status of either states or portions of states is based on the rate of tuberculosis infection present and the effectiveness of a tuberculosis control and eradication program.

Before publication of this interim rule, Kentucky was designated in § 77.1 of the regulations as a modified accredited state. However, Kentucky now meets the requirements for designation as an accredited-free state. Therefore, we are amending the regulations by removing Kentucky from the list of modified accredited states in § 77.1 and adding it to the list of accredited-free states in that section.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based

enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle and bison moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the state of Kentucky may affect the marketability of cattle and bison from that state since some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free states. This may result in some beneficial economic impact on some small entities. However, based on our experience in similar designations of other states, the impact should not be significant.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

Emergency Action

Dr. Donald L. Houston, Administrator of the Animal and Plant Health Inspection Service, has determined that an emergency situation exists, which warrants publication of this interim rule without prior opportunity for public comment. It is necessary to change the regulations so that they can accurately reflect the current tuberculosis status of Kentucky as an accredited-free state and thereby provide prospective cattle and bison buyers with accurate and up-to-date information, which may affect the marketability of cattle and bison since some prospective cattle and bison buyers prefer to buy cattle and bison from accredited-free states.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these emergency conditions, there is good cause under 5 U.S.C. 553 for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. We will consider comments postmarked or received within 60 days of publication of this interim rule in the **Federal Register**. Any amendments we make to this interim rule as a result of these comments will be published in the **Federal Register** as soon as possible following the close of the comment period.

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS

Accordingly, 9 CFR Part 77 is amended as follows:

1. The authority citation for Part 77 continues to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 77.1 [Amended]

2. In § 77.1, the definition for "Modified accredited state" paragraph (2) is amended by removing "Kentucky".

3. In § 77.1, the definition for "Accredited-free state" paragraph (2) is amended by adding "Kentucky" immediately after "Kansas".

Done in Washington, DC, this 23rd day of December 1987.

Donald L. Houston,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 87–29921 Filed 12–29–87; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 346

Foreign Banks; Country Exposures Concentration

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: Section 346.23 of the FDIC Rules and Regulations specifies that country exposures by insured branches of foreign banks operating as such on November 19, 1984 must be within prescribed limits by January 22, 1988. The Board of Directors is extending the time for compliance with these limits until June 14, 1988.

EFFECTIVE DATE: December 17, 1987.

FOR FURTHER INFORMATION CONTACT: Charles V. Collier, Assistant Director, Division of Bank Supervision, (202) 898–6850, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: On November 19, 1984, the FDIC amended Part 346 of its regulations. Section 346.23 of those amended regulations requires compliance, by insured branches operating as such on November 19, 1984, with country exposure limitations of 200 percent of the amount required in the capital equivalency ledger account to the foreign bank parent's home country and 100 percent of that amount to any other single country. Any excess exposures were to be reduced by January 22, 1988. In acting on a petition by the Institute of International Bankers, Inc., to extend this deadline, the Board of Directors has extended the deadline for compliance for 180 days, until June 14, 1988. (A corresponding amendment has been made in regard to petitions for relief in extraordinary circumstances.) During this period, the FDIC expects to complete the review which is currently being conducted of Part 346 of its regulations, including the country exposure limitations. In accordance with 5 U.S.C. 553, the FDIC has found that prior notice and a delayed effective date with respect to this amendment are unnecessary, as the amendment delays the imposition of requirements that are already imposed by existing regulation. Since the amendment only provides for an extension of time for compliance with certain portions of the regulation and imposes no burden upon banks or the public, it is not subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) or the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 12 CFR Part 346

Bank deposit insurance, Foreign banks, banking, Banks, banking, Reporting and recordkeeping requirements.

In consideration of the foregoing, the FDIC hereby amends Part 346 of title 12 of the Code of Federal Regulations as follows:

PART 346—FOREIGN BANKS

1. The authority citation for Part 346 continues to read as follows:

Authority: Secs. 5, 6, 13, Pub. L. 95–369, 92 Stat. 613, 614, 624 (12 U.S.C. 3103, 3104, 3108); Secs. 5, 7, 9, 10, Pub. L. 797, 64 Stat. 876, 877, 881, 882 (12 U.S.C. 1815, 1817, 1819, 1820).

2. Part 346 is amended by revising the third and fourth sentences of § 346.23 to read as follows:

§ 346.23. Country exposure concentrations.

* * * Insured branches operating as such on November 19, 1984 will be given until June 14, 1988 to reduce any existing

excess exposure, including commitments. In extraordinary circumstances, an insured branch operating as such on November 19, 1984, may petition the Board of Directors for approval of concentrations in excess of the prescribed limits which extend beyond the stated period. * * *

By Order of the Board of Directors.
Dated at Washington, DC, this 17th day of December, 1987.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 87-29685 Filed 12-29-87; 8:45 am]
BILLING CODE 6714-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 116

[Docket No. RM83-39-000; Order No. 484]

List of Property for Use in Accounting for the Addition and Retirement of Reactor Plant Equipment; Suspension of Effective Date

Issued: December 24, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; notice of suspension of effective date of order.

SUMMARY: The Federal Energy Regulatory Commission (Commission) issued a final rule regarding list of property for use in accounting for the addition and retirement of reactor plant equipment in Docket No. RM83-39-000 (52 FR 45167 (Nov. 25, 1987)) on November 18, 1987. This notice suspends the rule's effective date of December 28, 1987, for 30 days in order to provide the Office of Management and Budget (OMB) additional time to review the final rule's information collection provisions.

EFFECTIVE DATE: The final rule in this docket is effective January 27, 1988.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, Phone: (202) 357-8530.

SUPPLEMENTARY INFORMATION: OMB has requested additional time to review the information collection provisions in Order No. 484, List of Property for Use in Accounting for the Addition and Retirement of Reactor Plant Equipment. The Commission, therefore, suspends the effective date of Order No. 484 until January 27, 1988.

Lois D. Cashell,
Acting Secretary.
[FR Doc. 87-29639 Filed 12-24-87; 10:48 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3307-8]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: USEPA is approving revisions to the Ohio State Implementation Plan (SIP) for ozone. The revisions incorporate into the ozone SIP (1) Specific statewide volatile organic compound (VOC) emission limits and requirements for petroleum dry cleaning facilities, polystyrene resin manufacturing, leaks from process units that produce organic chemicals, and air oxidation processes that produce organic chemicals, and (2) general requirements which apply to the specific VOC emission requirements. Ohio's statewide ozone SIP is based upon Rule 3745-21-01, Definitions; Rule 3745-21-04, Attainment Dates and Compliance Time Schedules; Rule 3745-21-09, Control of Emissions of Organic Compounds from Stationary Sources; and Rule 3745-21-10, Compliance Test Methods and Procedures of Chapter 21 of the Ohio Administrative Code. These emission limits fulfill Ohio's commitment to adopt reasonably available control technology for these (Group III) VOC sources and contribute towards the attainment of the Ozone National Ambient Air Quality Standards.

EFFECTIVE DATE: This final rulemaking becomes effective on January 29, 1988.

ADDRESSES: Copies of the SIP revision and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Delores Sieja, at (312) 886-6038, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604

Ohio Environmental Protection Agency, Office of Air Pollution Control, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43266-0149

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street S.W., Washington, DC 20460

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Air And Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: Section 172 of the Clean Air Act allowed USEPA to grant attainment date extensions to those States that could not demonstrate attainment of the ozone standard by December 31, 1982, if certain conditions were met by the State in revising its air pollution control program. The revised programs had to include additional reasonably available control technology (RACT) emission limits for various types of volatile organic compound (VOC) sources located in the areas needing the extension. The extension, if granted by USEPA, obligated the State to develop RACT regulations for those sources addressed by Group III Control Technique Guidelines (CTGs) (these Group III CTG sources are referred to as RACT III sources).

The USEPA published CTGs in order to assist the States in determining RACT. The CTGs provide information on available air pollution control technology techniques and provide recommendations on what the USEPA calls the "presumptive norm" for RACT. During the period 1982-1984, the USEPA released, among others, the following four Group III CTGs:

1. "Volatile Organic Emissions from Large Petroleum Dry Cleaners", October 6, 1982 (47 CFR 44155).

This CTG covers large dry cleaning facilities that use petroleum solvent.

2. "Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins", November 14, 1983 (48 FR 51848).

This CTG covers high-density polyethylene plants using a slurry process, polypropylene plants using a liquid phase process, and polystyrene plants using a continuous process.

3. "Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical and Polymer Manufacturing Equipment", April 10, 1984 (49 FR 14181).

This CTG covers equipment leaks from synthetic organic chemical and polymer manufacturing plants.

4. "Volatile Organic Compound Emissions from Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry", December 28, 1984 (49 FR 50442).

This CTG covers air oxidation processes.

There are three areas in Ohio where RACT III regulations are currently required: Cleveland, Cincinnati, and Akron. The State of Ohio could not demonstrate attainment of the ozone National Ambient Air Quality Standard (NAAQS) in the Cities of Cleveland and Cincinnati by the required date of December 31, 1982, so the State requested, and received, an extension to December 31, 1987. The Akron area is a State Implementation Plan (SIP) "call" area. Because the State did not demonstrate attainment of the ozone standard by December 31, 1982, for the Akron area (Summit and Portage Counties), the USEPA on February 24, 1984, issued a notice of SIP inadequacy to the Governor of the State of Ohio under section 110(a)(2)(H) of the Clean Air Act. The notice of SIP inadequacy obligated the State to correct the inadequacies and demonstrate attainment of the ozone standard by December 31, 1987. Additionally, the State is required to implement RACT III regulations in the Akron area at this time.

On April 9, 1986, to meet the extension and SIP call area obligations for its RACT III VOC sources located in the Cleveland, Cincinnati, and Akron areas, and based largely upon the above four CTGs, the State of Ohio submitted revisions to USEPA for its statewide ozone SIP. Ohio's statewide ozone strategy is based upon Rule 3745-21-01, Definitions; Rule 3745-21-04, Attainment Dates and Compliance Time Schedules; Rule 3745-21-09, Control of Emissions of Organic Compounds from Stationary Sources; and Rule 3745-21-10, Compliance Test Methods and Procedures, of Chapter 21 of the Ohio Administrative Code (OAC). The specific RACT III requirements, i.e., emission limitations, are contained in Rule 09. General applicability requirements, i.e., definitions, attainment dates and compliance time schedules, and compliance test methods and procedures, that pertain to the specific requirement are contained in Rules 01, 04, 09, and 10. Although the RACT III regulations are only required in the Cleveland, Cincinnati, and Akron areas, the State has chosen to make these regulations applicable statewide.

On April 8, 1987 (52 FR 11288), USEPA proposed to approve the RACT III revisions because they were generally consistent with the model regulations found in the CTG and they contribute towards the attainment of the ozone NAAQS. Because the April 8, 1987, notice of proposed rulemaking contains a detailed evaluation of the RACT III regulations, they will not be discussed in this notice. We refer you to the April 8, 1987, notice for the detailed discussion.

Interested parties were given until May 8, 1987, to submit comments on the April 8, 1987, proposed rulemaking. USEPA received a comment from the Standard Oil Chemical Company in Cleveland, Ohio. At this time USEPA will respond to the comment:

Comment: Standard Oil Chemical Company operates an air oxidation unit at Lima, Ohio. To meet the requirements of Rule 3745-21-09(EE) Standard Oil must install an incinerator that will ensure that the applicable emission limitation is met by the compliance deadline of December 31, 1987. Standard Oil has two concerns regarding this requirement.

(1) Standard Oil believes it is not necessary to install controls on their off-gas stack because they are located in an attainment area and, because of their distance from the closest nonattainment areas, their emissions have no effect on those areas.

(2) Standard Oil states that it has insufficient time to install an incinerator by the compliance deadline of December 31, 1987. Based upon an estimated date of permit issuance of June 1, 1987, compliance could be achieved by December 31, 1988. In, addition, Standard Oil added the following:

"We have requested that the State develop and approve a compliance schedule with these dates included. However, to date, this action has not occurred. Therefore, we request that you change the compliance deadline for an oxidation process that produces organic chemicals from December 31, 1987, to December 31, 1988. To our knowledge, ours is the only air oxidation process in the State of Ohio that must install an incinerator to comply with OAC 3745-21-09 (EE)."

Response: (1) USEPA agrees that the area where Standard Oil is located is presently designated attainment (49 FR 24124, June 12, 1984). However, it is left to the discretion of the State to determine the applicability of their regulations.

(2) USEPA cannot unilaterally change the compliance date in a proposed SIP revision. USEPA is limited to approving or disapproving any proposed SIP revision which is submitted to it. However, USEPA will consider Standard Oil's comments if Ohio submits as a revision to its SIP, a revised compliance date for Standard Oil.

Final Action on Ohio's RACT III Rules

USEPA takes final action today to approve the Ohio RACT III regulations.

The Office of Management and Budget (OMB) has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from publication). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Incorporation by reference, Ozone.

Note: Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 22, 1987.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ohio—Subpart KK

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1870 is amended by adding new paragraph (c)(80) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(80) On April 9, 1986, the Ohio Environmental Protection Agency submitted a revision to the State Implementation Plan for ozone. The revision consists of the reasonably available control technology (RACT) III volatile organic compound regulations.

(i) Incorporation by reference. Ohio EPA OAC

(A) Rule 3745-21-01, Definitions. Paragraphs (K), (L), (M), and (N), effective May 9, 1986. Ohio EPA OAC

(B) Rule 3745-21-04, Attainment Dates and Compliance Time Schedules. Paragraphs (B)(1), and (C)(36) through (C)(39), effective May 9, 1986. Ohio EPA OAC

(C) Rule 3745-21-09, Control of Emissions of Volatile Organic Compounds from Stationary Sources.

Paragraphs (A)(1), (A)(2), (A)(4), (BB), (CC), (DD), (EE), and Appendix A, effective May 9, 1986. Ohio EPA OAC

(D) Rule 3745-21-10, Compliance Test Method and Procedures. Paragraphs (C), (F), (L), (M), (N), (O), and (P), effective May 9, 1986.

[FR Doc. 87-29898 Filed 12-29-87; 8:45am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

Administrative Practice and Procedure; Basic Time Computation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Section 1.4 of the rules has been revised to clarify the basic time computation procedures contained in this rule. Section 1.4 governs the procedures to be followed for computing filing dates in proceedings before the Commission and is used for computing filing dates for reconsideration and judicial review of Commission decisions. Minor revisions to § 1.429 have also been made with regard to computation of time procedures.

EFFECTIVE DATE: December 30, 1987.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David H. Solomon, Office of the General Counsel, Federal Communications Commission, (202) 632-6990.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, FCC 87-838, adopted December 7, 1987, and released December 15, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. In this *Report and Order* the Commission amends § 1.4 to reorganize and clarify, with the addition of hypothetical examples, the basic time computation procedures. In addition, in order to give all parties equal opportunity to file for judicial review, the Commission has clarified that, when the date of "public notice" ordinarily would fall on a Saturday or other holiday, "public notice" is deemed to occur at 3 p.m. Eastern Time on the subsequent business day. New § 1.4(b)(3) clarifies the date of public notice for rule makings of particular applicability. Further, because the date of mailing often is not indicated on government postmarks, the language of § 1.4(b)(5) has been amended to state that for documents that are neither published in the **Federal Register** nor released, and for which a descriptive "Public Notice" is not released, the controlling date is the date that appears on the face of the document, rather than the date mailed. Finally, § 1.429 (e) and (f) have been amended to clarify that the time computation provisions of § 1.4 apply to petitions for reconsideration.

2. Accordingly, it is ordered, that the attached modifications to §§ 1.4 and 1.429 of the Rules, 47 CFR 1.4 and 1.429, are adopted.

3. It is further ordered that Part 1 of the Commission's Rules as modified herein shall become effective immediately upon publication in the **Federal Register.**

List of Subjects in 47 CFR Part 1

Practice and procedure.

William J. Tricarico,
Secretary.

Appendix

Part 1—(Practice and Procedure) of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

1. The authority citation for Part 1 continues to read:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 1.4 is revised to read as follows:

§ 1.4 Computation of time.

(a) *Purpose*—The purpose of this Rule Section is to detail the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission. It also applies to computation of time for seeking both reconsideration and judicial review of Commission decisions.

(b) *General Rule—Computation of Beginning Date When Action is Initiated by Commission or Staff.* Unless otherwise provided, the first day to be counted when a period of time begins with an action taken by the Commission, Review Board, an Administrative Law Judge or by members of the Commission or its staff pursuant to delegated authority is the *day after the day* on which public notice of that action is given. *See* § 1.4(b) (1)-(5), below. Unless otherwise provided, all Rules measuring time from the date of the issuance of a Commission document entitled "Public Notice" shall be calculated in accordance with this section. *See* § 1.4(b)(4) for a description of the "Public Notice" document. Unless otherwise provided in §§ 1.4 (g) and (h), it is immaterial whether the first day is a "holiday." *See* § 1.4(e)(1) for definition of "holiday."

Note: For purposes of this section, when the date of "public notice" falls on a holiday, "public notice" shall be deemed to occur at 3 p.m. Eastern Time on the next business day. The term "public notice" means the date of the day, commencing at 3 p.m. Eastern Time, after any of the following dates:

(1) For documents in notice and comment rule making proceedings, including summaries thereof, the date of publication in the **Federal Register.**

Example 1: A document in a Commission rule making proceeding is published in the **Federal Register** on Wednesday, May 6, 1987. Public notice commences at 3 p.m. Eastern Time on Thursday, May 7, 1987. The first day to be counted in computing the beginning date of a period of time for action in response to the document is Friday, May 8, 1987, the "day after the day" of public notice.

Example 2: A Notice of Proposed Rule Making is released to the public on Wednesday, July 1, 1987, but not published in the **Federal Register** until Friday, July 10, 1987. Since "the day after the day" of **Federal Register** publication falls on a Saturday, public notice is deemed to occur at 3 p.m. Eastern Time on the next business day, which is Monday, July 13, 1987. The first day to be counted in computing filing periods is Tuesday, July 14, 1987.

Example 3: Section 1.429(e) provides that when a petition for reconsideration is timely filed in proper form, public notice of its filing is published in the **Federal Register.** The time for filing oppositions runs from the publication date of the notice. Section 1.429(f) provides that oppositions to a petition for reconsideration shall be filed within 15 days after public notice of the petition's filing in the **Federal Register.** Public notice of the filing of a petition for reconsideration is published in the **Federal Register** on Wednesday, June 10, 1987. For purposes of computing the filing period for an opposition, the first day to be counted is Friday, June 12, 1987, which is the day after the date of public notice. Therefore, oppositions to the reconsideration petition must be filed by Friday, June 26, 1987, 15 days later.

(2) For non-rulemaking documents released by the Commission or staff, whether or not published in the **Federal Register,** the release date. A document is "released" by making the full text available to the press and public in the

Commission's Office of Public Affairs. The release date appears on the face of the document.

Example 4: The Chief, Mass Media Bureau, adopts an order on Thursday, April 2, 1987. The text of that order is not released to the public until Friday, April 3, 1987. Since the "day after the day" of release falls on a Saturday, in accordance with § 1.4(b), public notice of this decision is given at 3 p.m. Eastern Time, Monday, April 6, 1987. Tuesday, April 7, 1987, is the first day to be counted in computing filing periods.

(3) For rule makings of particular applicability, if the rule making document is to be published in the **Federal Register** and the Commission so states in its decision, the date of public notice will commence at 3 p.m. Eastern Time on the day following the **Federal Register** publication date. If the decision fails to specify **Federal Register** publication, the date of public notice will commence at 3 p.m. Eastern Time on the day following the release date, even if the document is subsequently published in the **Federal Register.** *See Declaratory Ruling,* 51 FR 23059 (June 25, 1986).

Example 5: An order establishing an investigation of a tariff, and designating issues to be resolved in the investigation, is released on Wednesday, April 1, 1987, and is published in the **Federal Register** on Friday, April 10, 1987. If the decision itself specifies **Federal Register** publication, the date of public notice is 3 p.m. Eastern Time on Monday, April 13, 1987; because public notice would be on a Saturday, it is deemed to occur on the following Monday. If this decision itself does not specify **Federal Register** publication, public notice occurs at 3 p.m. Eastern Time on Thursday, April 2, 1987, and the first day to be counted in computing filing periods is Friday, April 3, 1987.

(4) If the full text of an action document is not to be released by the Commission, but a descriptive document entitled "Public Notice" describing the action is released, the date on which the descriptive "Public Notice" is released.

Example 6: At a public meeting the Commission considers an uncontested application to transfer control of a broadcast station. The Commission grants the application and does not plan to issue a full text of its decision on the uncontested matter. Five days after the meeting, a descriptive "Public Notice" announcing the action is publicly released. The date of public notice commences at 3 p.m. Eastern Time on the day after the release date.

Example 7: A Public Notice of petitions for rulemaking filed with the Commission is released on Wednesday, September 2, 1987; public notice of these petitions is given at 3 p.m. Eastern Standard Time September 3, 1986, the day after release. The first day to be counted in computing filing times is Thursday, September 4, 1987.

(5) If a document is neither published in the **Federal Register** nor released, and if a descriptive document entitled "Public Notice" is not released, the date appearing on the document sent (*e.g.,* mailed, telegraphed, etc.) to persons affected by the action.

Example 8: A Bureau grants a license to an applicant, or issues a waiver for non-conforming operation to an existing licensee, and no "Public Notice" announcing the action is released. The date of public notice commences at 3 p.m. Eastern Time on the day following the date appearing on the license mailed to the applicant or appearing on the face of the letter granting the waiver mailed to the licensee.

Note: *See Memorandum Opinion and Order, Gen. Docket No. 80-488,* 85 FCC 2d 618, 627-28 (1981), for further examples of effective date and time computation.

(c) *General Rule—Computation of Beginning Date When Action is Initiated by Act, Event or Default.* Commission procedures frequently require the computation of a period of time where the period begins with the occurrence of an act, event or default and terminates a specific number of days thereafter. Unless otherwise provided, the first day to be counted when a period of time begins with the occurrence of an act, event or default is the day after the day on which the act, event or default occurs.

Example 9: Commission Rule § 21.39(d) requires the filing of an application requesting consent to involuntary assignment or control of the permit or license within thirty days after the occurrence of the death or legal disability of the licensee or permittee. If a licensee passes away on Sunday, March 1, 1987, the first day to be counted pursuant to § 1.4(c) is the day after the act or event. Therefore, Monday, March 2, 1987, is the first day of the thirty day period specified in § 21.39(d).

(d) *General Rule—Computation of Terminal Date.* Unless otherwise provided, when computing a period of time the last day of such period of time is included in the computation, and any action required must be taken on or before that day.

Example 10: Subsection 1.4(b)(1) provides that "public notice" in a notice and comment rule making proceeding begins at 3 p.m. Eastern Time on the "day after the day" of **Federal Register** publication. Subsection 1.4(c) provides that the first day to be counted in computing a terminal date is the "day after the day" on which public notice occurs. Therefore, if the Commission allows or requires an action to be taken 20 days after public notice in the **Federal Register,** the first day to be counted is the second day after the date of the **Federal Register** publication. Accordingly, if the **Federal Register** document is published on Thursday, July 23, 1987, public notice is given at 3 p.m. Eastern Time on Friday, July 24, and the first day to be counted in computing a 20 day period is Saturday, July 25, 1987. The 20th day or terminal date upon which action must be taken is Thursday, August 13, 1987.

Example 11: Commission Rule § 22.30 requires competing applicants to file a petition to deny within 30 days after the date of public notice of the acceptance for filing of a license application. 47 CFR 22.30(a)(4). A document entitled "Public Notice" announcing acceptance of the license application of Acme Communications Corporation is issued on Friday, August 7, 1987. "Public notice" commences at 3 p.m. Eastern Time on Saturday, August 8, 1987. However, since this is a holiday, public notice is deemed to commence at 3 p.m. Eastern Standard Time on the next business day, which is Monday, August 10, 1987. The first "day to be counted in computing the petition to deny deadline is Tuesday, August 11, 1987 (the day after the day" of public notice). Therefore, the 30th day is Wednesday, September 9, 1987.

(e) Definitions for purposes of this section:

(1) The term "holiday" means Saturday, Sunday, officially recognized federal legal holidays and any other day on which the Commission's offices are closed and not reopened prior to 5:30 p.m. For example, a regularly scheduled Commission business day may become a "holiday" if its offices are closed prior to 5:30 p.m. due to adverse weather, emergency or other closing.

Note: As of August 1987, officially recognized federal legal holidays are New Year's Day, January 1; Martin Luther King's Birthday, third Monday in January; Washington's Birthday, third Monday in February; Memorial Day, last Monday in May; Independence Day, July 4; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25. If a legal holiday falls on Saturday or Sunday, the holiday is taken, respectively, on the preceding Friday or the following Monday. In addition, January 20, (Inauguration Day) following a Presidential election year is a legal holiday in the metropolitan Washington, DC area. If Inauguration Day falls on Sunday, the next succeeding day is a legal holiday. *See* 5 U.S.C. 6103; Executive Order No. 11582, 36 FR 2957 (Feb. 11, 1971). The determination of a "holiday" will apply only to the specific Commission location(s) designated as on "holiday" on that particular day.

(2) The term "business day" means all days, including days when the Commission opens later than the time specified in Rule section 0.403, which are not "holidays" as defined above.

(3) The term "filing period" means the number of days allowed or prescribed by statute, rule, order, notice or other Commission action for filing any document with the Commission. It does

not include any additional days allowed for filing any document pursuant to paragraphs (g), (h) and (j) of this section.

(4) The term "filing date" means the date upon which a document must be filed after all computations of time authorized by this section have been made.

(f) Except as provided in § 0.401(b) of the Rules, all petitions, pleadings, tariffs or other documents not required to be accompanied by a fee and which are hand-delivered must be tendered for filing in complete form before 5:30 p.m. in the Office of the Secretary, either in Washington or Gettysburg, as directed by the Rules. The Secretary will determine whether a tendered document meets the pre-5:30 deadline.

(g) If the filing period is less than 7 days, intermediate holidays shall not be counted in determining the filing date.

Example 12: A reply is required to be filed within 5 days after the filing of an opposition in a license application proceeding. The opposition is filed on Wednesday, June 10, 1987. The first day to be counted in computing the 5 day time period is Thursday, June 11, 1987. Saturday and Sunday are not counted because they are "holidays." The document must be filed with the Commission on or before the following Wednesday, June 17, 1987.

(h) If a document is required to be served upon other parties by statute or Commission regulation and the document is in fact served by mail (see § 1.47(f)), and the filing period for a response is 10 days or less, an additional 3 days (excluding holidays) will be allowed for filing a response. This subsection (§ 1.4(h)) shall not apply to documents filed pursuant to §§ 1.89, 1.120(d), 1.315(b) or 1.316.

Example 13: A reply to an opposition for a petition for reconsideration must be filed within 7 days after the opposition is filed. 47 CFR 1.106(h). The rules require that the opposition be served on the person seeking reconsideration. 47 CFR 1.106(g). If the opposition is served on the party seeking reconsideration by mail and the opposition is filed with the Commission on Monday, November 9, 1987, the first day to be counted is Tuesday, November 10, 1987 (the day after the day on which the event occurred, § 1.4(b)), and the seventh day is Monday, November 16. An additional 3 days (excluding holidays) is then added at the end of the 7 day period, and the reply must be filed no later than Thursday, November 19, 1987.

(i) If both subsections (g) and (h) of this section are applicable, make the subsection (g) computation before the subsection (h) computation.

Example 14: Section 1.45(b) requires the filing of replies to oppositions within five days after the time for filing oppositions has expired. If an opposition has been filed on the last day of the filing period (Friday, July 10, 1987), and was served on the replying party by mail, § 1.4(i) specifies that the subsection (g) computation should be made before the subsection (h) computation. Therefore, since the specified filing period is less than seven days, subsection (g) is applied first. The first day of the filing period is Monday, July 13, 1987, and Friday, July 17, 1987 is the fifth day (the intervening weekend was not counted). Subsection (h) is then applied to add three days for mailing (excluding holidays). That period begins on Monday, July 20, 1987. Therefore, Wednesday, July 22, 1987, is the date by which replies must be filed, since the intervening weekend is again not counted.

(j) If the filing date falls on a holiday, the document shall be filed on the next business day. *See* § 1.4(e)(1) above.

Example 15: The filing date falls on Friday, December 25, 1987. The document is required to be filed on the next business day, which is Monday, December 28, 1987.

(k) Where specific provisions of Part 1 conflict with this section, those specific provisions of Part 1 are controlling. *See, e.g.*, §§ 1.45(d), 1.773(a)(3) and 1.773(b)(2).

3. Section 1.429 is amended by revising paragraphs (e) and (f) to read as follows:

§ 1.429 Petition for reconsideration.

* * * * *

(e) Except as provided in § 1.420(f), petitions for reconsideration need not be served on parties to the proceeding. (However, where the number of parties is relatively small, the Commission encourages the service of petitions for reconsideration and other pleadings, and agreements among parties to exchange copies of pleadings.) When a petition for reconsideration is timely filed in proper form, public notice of its filing is published in the **Federal Register**. The time for filing oppositions to the petition runs from the date of public notice. *See* § 1.4(b).

(f) Oppositions to a petition for reconsideration shall be filed within 15 days after the date of public notice of the petition's filing and need be served only on the person who filed the petition. *See* § 1.4(b). Oppositions shall not exceed 25 double-spaced typewritten pages.

[FR Doc. 87-29811 Filed 12-29-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-3; FCC 87-346]

Presunrise Service; Authorizations for Daytime Only AM Stations

AGENCY: Federal Communications Commission.

ACTION: Final Rule.

SUMMARY: This action executes the directive in Pub. L. 99-359 Section 2(d)(1) to afford some relief to daytime only AM radio broadcast stations, whose operations were adversely affected by the statutory extension of daylight saving time from the last Sunday in April to the first Sunday of that month, by amending our rules that authorize presunrise operations. By establishing a 10 watt minimum and permitting maximum powers that protect only the 0.5 mV/m groundwave contour of full time and clear channel stations, this rule diminishes the adverse effects on the affected stations and allows them to operate from 6:00 am to local sunrise.

EFFECTIVE DATE: January 22, 1988.

ADDRESS: Federal Communications Commission, Washington, DC, 20554.

FOR FURTHER INFORMATION CONTACT: Vicki Assevero, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in MM Docket No. 87-3, adopted October 30, 1987 and released December 8, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 23), 1919 M Street, Northwest, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. In this *Report and Order* (R&O), we are considering the proposal made by the Clear Channel Broadcasting Service to allow daytime only AM stations to use a minimum of 10 watts of power between the first Sunday and the last Sunday in April as an exceptional presunrise authorization which would protect only the 0.5mV/m groundwave contour instead of both the skywave and groundwave. We had previously considered other forms of relief pursuant to our original Notice adopted January 16, 1987. There, we asked for comments as to how to best execute the statutory directive of Pub. L. 99-359's (which extended daylight saving time) Section 2(d)(1) requiring us to adjust the hours of operation of daytime only AM stations to compensate for the fact that the start of their operations would be delayed by one hour. The Notice proposed a 50 watt minimum power for the daytimers.

2. In the First Report and Order adopted March 24, 1987, both the comments and our determination that more importance should be attached to the capacity of daytime only stations to provide local service than to the preservation of service by clear channels at very great distances from their principal communities led us to adopt an interim 10 watt minimum power authorizatin for the daytimers pending the development of a more comprehensive record pursuant to our Further Notice, which specifically asked for comment on CCBS proposal.

3. We acknowledge in the R&O that even the 10 watt minimum causes interference to protected skywave service over vast areas in the presunrise period. However, given the unpredictability of the service, the Congressional directive, the relatively short period of 3–4 weeks during which the interference will be tolerated and most particularly the exceptional tolerance of the clear channel stations for this solution, we find it appropriate to enact a permanent rule protecting the 0.5mV/m groundwave contour of the clear channel stations.

4. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 604, a final regulatory flexibility analysis has been prepared. It is available for viewing as part of the full text of this decision which may be obtained from the Commission or its copy contractor.

5. The rule contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection or record keeping labeling, disclosure or record retention requirements; and will not increase or decrease burden hours on the public.

Ordering Clauses

6. Authority for this rulemaking is contained in Pub. L. 99–359 Section 2(d)(1) and in 47 U.S.C. 154 and 303, The Communications Act of 1934 as amended.

7. Accordingly it is ordered that Part 73 of the Commission's rules is amended effective January 22, 1988, as shown below. It is further ordered that this proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 73.99 is amended by redesignating paragraphs (c) through (k) as paragraphs (d) through (l), by adding a new paragraph (c), and by revising newly redesignated paragraphs (f)(1) and (j) to read as follows:

§ 73.99 Pre-sunrise service authorization (PSRA) and post-sunset service authorization (PSSA).

* * * * *

(c) Extended Daylight Saving Time Pre-Sunrise Authorizations:

(1) Between the first Sunday in April and the end of the month of April, Class II and Class III daytime-only AM stations will be permitted to conduct pre-sunrise operation beginning at 6:00 a.m. local time with a maximum power of 500 watts (not in excess of the station's regular daytime or critical hours power), reduced as necessary to comply with the following requirements:

(i) Full protection is to be provided as specified in applicable international agreements.

(ii) Domestic protection is to be provided to the 0.5 mV/m groundwave signals of co-channel Class I–A and Class I–B stations, but protection to the 0.5 mV/m 50% skywave of these stations is not required.

(iii) In determining the protection to be provided, the effect of each interfering signal will be evaluated separately. The presence of interference from other stations will not reduce or eliminate the required protection.

(iv) Notwithstanding the requirements of paragraph (c)(1) (ii) and (iii) of this section, the stations will be permitted to operate with a minimum power of 10 watts unless a lower power is required by international agreement.

(2) The Commission will issue appropriate authorizations to Class II or Class III daytime-only stations not previously eligible to operate during this period. Class II or Class III daytime-only station already authorized to operate during this pre-sunrise period may continue to operate under their current authorization.

* * * * *

(f) * * *

(1) Class II stations operating in accordance with paragraphs (b)(1), (b)(2), (d)(1) and (d)(2) of this section are required to protect the nighttime 0.5 mV/m 50% skywave contours of co-channel Class I stations. Where a 0.5 mV/m 50% skywave signal is not produced, the 0.5 mV/m groundwave contour will be protected.

* * * * *

(j) The Commission will periodically recalculate maximum permissible power and times for commencing PSRA and PSSA for each Class II and Class III station. For each Class II or III daytime only station operating in accordance with paragraph (c) of this section, the Commission will calculate the maximum power at which each individual station may conduct presunrise operations during extended daylight saving time and shall issue conforming authorizations. These original notifications and subsequent notifications should be associated with the station authorization. Upon notification of new power and time of commencing operation, affected stations will make necessary adjustments within 30 days.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–29468 Filed 12–29–87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 70605–7141]

Coastal Migratory Pelagic Resources of Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) closes the commercial fishery in the exclusive economic zone (EEZ) for king mackerel from the Gulf migratory group in the eastern zone. The Acting Regional Director, Southeast Region, NMFS, has determined that the commercial quota of 0.48 million pounds for the eastern zone will be reached on December 28, 1987. This closure is necessary to protect the overfished king mackerel resource.

EFFECTIVE DATE: Closure is effective at 0001 hours, local time, December 29, 1987, until 2400 hours, local time, June 30, 1988.

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813–893–3722.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP), as amended, was developed by the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils) under authority of the Magnuson Fishery Conservation and Management Act, and is implemented

by regulations at 50 CFR Part 642. Amendment 1 to the FMP established separate allocations for the Gulf and Atlantic migratory groups of king mackerel. Regulations effective June 30, 1987 (52 FR 23836, June 25, 1987) implemented catch limits recommended by the Councils for the Gulf migratory group for the fishing year (July 1, 1987, through June 30, 1988). Those regulations set the commercial allocation at 0.7 million pounds, divided into quotas of 0.48 million pounds for the eastern zone and 0.22 million pounds for the western zone (52 FR 25012, July 2, 1987, corrected at 52 FR 33594, September 4, 1987). From November 1 through March 31, the management area for the Gulf migratory group of king mackerel extends from the Mexico/United States border to a line extending directly east from the Volusia/Flagler County, Florida, boundary (29°25' N. latitude). From April 1 through October 31, the management area extends from the Mexico/United States border to a line extending directly west from the Monroe/Collier County, Florida, boundary (25°48' N. latitude). The boundary between the eastern and western zones is a line extending directly south from the Florida/Alabama boundary (87°3'06" W. longitude). (See 50 CFR Part 642, Appendix A, Figure 2.)

The Secretary is required under § 642.22 to close any segment of the king mackerel fishery when its allocation or quota has been reached or is projected to be reached by publishing a notice in the **Federal Register.** The Acting Regional Director has determined that the quota of 0.48 million pounds for the eastern zone of the Gulf migratory group of king mackerel will be reached on December 28, 1987. Hence, the commercial fishery for Gulf migratory group king mackerel from the eastern zone is closed effective 0001 hours, local time, December 29, 1987. The closure will remain in effect through June 30, 1988, the end of the fishing year.

The Acting Regional Director previously determined that the commercial quota of 0.22 million pounds of king mackerel for the western zone would be reached on November 1, 1987, and closed this segment of the fishery on November 2, 1987 (52 FR 42296, November 4, 1987). He also previously determined that the recreational allocation of 1.5 million pounds for Gulf migratory group king mackerel would be reached on December 15, 1987. The recreational bag limit for this group was reduced to zero on December 16, 1987 (52 FR 47224, December 16, 1987).

With closure of the commercial fishery in the eastern zone, all commercial and recreational fisheries for Gulf migratory group king mackerel in the EEZ are closed through June 30, 1988. During the closure, Gulf migratory group king mackerel may not be harvested from or possessed in the EEZ and may not be purchased, bartered, traded, or sold. The latter prohibition does not apply to trade in king mackerel harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

Other Matters

This action is required by 50 CFR 642.22(a) and complies with E.O. 12291.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: December 23, 1987.

Richard H. Schaefer,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 87-29848 Filed 12-24-87; 10:58 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 861-0081]

Florence Multiple Listing Service, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, a Florence, SC firm to make membership in the multiple listing service reasonably available to all firms on a nondiscriminatory basis. Respondent also would no longer require new members to have owned and operated a business for six months before application for membership and would no longer insist on a vote of FMLS members as a condition of membership.

DATE: Comments must be received on or before February 29, 1988.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: FTC/S-3115, Elizabeth Gee, Washington, DC 20580. (202) 326-2756.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Multiple listing service, Real estate, Trade practices.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission, having initiated an investigation of certain acts and practices of the Florence Multiple Listing Service, Inc., and it now appearing that the Florence Multiple Listing Service, Inc., hereinafter sometimes referred to as the proposed respondent or "FMLS," is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between the Florence Multiple Listing Service, Inc., by its duly authorized officer and its attorney, and by counsel for the Federal Trade Commission that:

1. Proposed respondent is organized, existing, and doing business under and by virtue of the laws of the State of South Carolina, with its offices and principal place of business located at 121 South Warley Street, in the City of Florence, State of South Carolina.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondent waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For the purposes of this order, the following definitions shall apply:

1. "Multiple listing service" shall mean a clearinghouse through which members, real estate brokerage firms exchange information on listings of real estate properties and share sales commissions with members who locate purchasers.

2. "Listing" shall mean any agreement between a real estate broker and a property owner for the provision of real estate brokerage services.

3. "Exclusive agency listing" shall mean any listing under which a property owner appoints a broker as exclusive agent for the sale of the property at an agreed commission, but reserves the right to sell the property personally to a direct purchaser (one not procured in any way through the efforts of any broker) at an agreed reduction in the commission or with no commission owed to the agent broker.

4. "FMLS" shall mean the Florence Multiple Listing Service, Inc. and its successors, assigns, officers, directors, committees, agents, representatives, members or employees.

I

It is ordered that respondent FMLS, directly, indirectly or through any device, in or in connection with the operation of a multiple listing service in or affecting commerce, as "commerce" is defined in section 4 of the Federal Trade Commission Act, as amended, 15 U.S.C. 44, shall cease and desist from:

(A) Adopting, maintaining or enforcing any bylaw, rule, regulation, policy, agreement or understanding, or taking any other action that has the purpose or effect of:

(1) Conditioning membership in FMLS or use of its multiple listing service on the length of time any applicant has owned, operated or maintained a real estate brokerage firm or other business;

(2) Requiring as a condition of FMLS membership or use of its multiple listing service that applicants who satisfy FMLS' other conditions of membership receive the approval by vote of any portion of FMLS members; or

(3) Conditioning membership in FMLS or use of its multiple listing service on any person's refraining or withdrawing from ownership, operation or other association with any lawful business.

(B) Forbidding publication through respondent FMLS's multiple listing service of any exclusive agency listing, or restricting such publication in any way other than by requiring designation of the listing as one granting an exclusive agency or by imposing terms applicable to all listings accepted for publication by the FMLS multiple listing service.

II

It is further ordered that FMLS shall:

(A) Within ninety (90) days after this order becomes final, amend its policies, bylaws, guidelines, rules and regulations, and any other of its instructive or suggestive materials to conform to the provisions of this order.

(B) For a period of five (5) years after this order becomes final:

(1) Provide to any applicant who has been denied membership prompt and clear written notice of the denial, specifying the membership requirements not met and explaining in what manner the requirements are not met; and

(2) Maintain in one separate file, segregated by the names of the applicants, all documents and correspondence that discuss, refer, or relate to any denied or approved application.

(C) For a period of three (3) years after this order becomes final furnish promptly, by first-class mail, a copy of the announcement in the form shown in Appendix A to any person who inquires about, or who submits an application for, membership in the FMLS.

(D) For a period of three (3) years after this order becomes final furnish promptly, by first-class mail, a copy of this order to any person who requests a copy.

III

It is further ordered that FMLS shall:

(A) Within thirty (30) days after this order becomes final, mail an announcement in the form shown in Appendix A, and a copy of the Complaint and Decision and Order to each member of FMLS.

(B) Within ninety (90) days after this order becomes final, submit a written report to the Federal Trade Commission setting forth in detail the manner and form in which FMLS has complied and is complying with this order.

(C) Notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in FMLS, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any change in its incorporation that may affect compliance obligations arising out of this order.

Appendix A.—Announcement

As you may be aware, the Florence Multiple Listing Service, Inc. ("FMLS") has entered into a consent agreement with the Federal Trade Commission that has now become final. Acceptance of this agreement is for settlement purposes and does not constitute an admission that the FMLS has violated the law. The following is a brief summary of the provisions of the order issued pursuant to the consent agreement:

1. *Eligibility for membership:* The FMLS no longer requires, as a condition of membership, that a broker have owned and operated a business for a six-month period or any other time period. In addition, the FMLS no longer requires that any applicant or member who satisfies FMLS, other conditions of membership receive the approval by vote of any portion of FMLS members. Specific eligibility or membership requirements are set forth in official FMLS bylaws and policies. If any membership application is denied, the FMLS promptly will provide to the applicant a written explanation of the specific reasons for the denial.

2. *Property listings that limit or differ from an exclusive right to sell arrangement:* The FMLS will not prohibit members from entering exclusive agency listings—listings in which the broker and owner contract that the owner will owe a reduced commission or no commission to the agent broker if the owner locates the purchaser entirely independent of the services of any real estate broker. The FMLS will publish all listings of this type but may give notice that the listing is an exclusive agency listing rather than an exclusive right to sell listing.

3. *Broker's development of or participation in organizations, services, businesses or ventures that compete with one another or with the MLS:* The FMLS will not prohibit members from operating or joining any lawful business.

The FTC does not endorse any practice of the FMLS. For more specific information, you should refer to the FTC order itself. [A copy of the proposed order is attached.] [1]

President.
Florence Multiple Service, Inc.

Florence Multiple Listing Service, Inc.; Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed

[1] The sentence enclosed in brackets is required to be included in this Announcement only when the Announcement is sent to members of respondent Florence Multiple Listing Service as required by Part III(A) of the proposed order to which this Announcement is attached as an appendix.

consent order from the Florence Multiple Listing Service, Inc. ("FMLS"), which is located in Florence, South Carolina. The agreement would settle charges by the Commission that the proposed respondent violated Section 5 of the Federal Trade Commission Act by maintaining bylaws and engaging in practices that excluded certain licensed real estate brokers and restricted competition among FMLS members.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Complaint

The complaint prepared for issuance by the Commission along with the proposed order alleges that FMLS and its members have engaged in various acts and practices that have unreasonably excluded from the respondent's multiple listing service certain licensed real estate brokers in the Florence area (*i.e.*, the northern and central portions of Florence County, and its environs including the City of Florence, and the City of Darlington). The complaint also alleges that FMLS and its members have restrained price and service competition among residential real estate brokers in the Florence, South Carolina area. The complaint alleges that FMLS members have conspired through the FMLS unlawfully to:

(1) Deny or delay FMLS membership to applicants that have not owned a real estate business for at least six months;

(2) Deny or delay FMLS membership to applicants that fail to receive an affirmative vote for admission from two-thirds of the FMLS members who choose to vote on the question;

(3) Restrict member participation in any organization that competes with FMLS's multiple listing service;

(4) Restrict the publication on FMLS of "exclusive agency contracts;" and

(5) Restrict member participation in ventures and services that compete with real estate brokerage, such as ventures that assist homeowners to market their homes without the full array of traditional brokerage services.

The complaint alleges that these acts and practices violate section 5 of the Federal Trade Commission Act.

According to the complaint, the FMLS provides a multiple listing service for member real estate brokerage firms doing business in the Florence, South Carolina, area. As described in the complaint, the multiple listing service is a clearinghouse through which competing firms exchange information on "listings" (*i.e.*, brokerage service contracts) of residential real estate for sale and share commissions when other members locate purchasers. The FMLS charges a service fee to members for each listing published on the FMLS.

According to the complaint, access to FMLS services provides a valuable competitive advantage to member firms, as it significantly reduces the costs of obtaining current, comprehensive information on listings and sales that is important to compete effectively. The complaint states that the FMLS provides the only multiple listing service serving the Florence area and that about 65 percent of real estate firms in the Florence area are FMLS members. The complaint also states that, for 1985, sales of FMLS published listings accounted for about 75 percent of the dollar volume of all sales of Florence area residences involving a broker.

As explained in the complaint, the FMLS permits members to publish on its multiple listing service, only "exclusive right to sell" listings, *i.e.*, brokerage service contracts where the property owner agrees to pay a commission if the property is sold, regardless of who locates the purchaser. The FMLS prohibited any member from publishing an "exclusive agency" listing. As described in the complaint, an "exclusive agency" listing is a brokerage service contract where the property owner agrees to pay a commission if the property is sold through a broker, but not if the owner locates the purchaser independently of any broker. The complaint challenges the FMLS's refusal to publish such listings on its multiple listing service.

The complaint alleges that the purposes or effects of the challenged acts or practices have been unreasonably to:

A. Restraining or deterring the entry of new brokerage firms, and of new joint ventures or shared brokerage or multiple listing services, in competition with the FMLS multiple listing service;

B. Limit consumers ability to choose among a variety of brokerage firms competing on the basis of price, contract terms, and services;

C. Restrain competition among brokerage firms based on their willingness to offer or accept different contract terms that may be attractive and beneficial to consumers, such as terms that allow the property owner to pay a reduced commission or no commission if the owner sells the property through means alternative to a broker's services;

D. Limit the ability of consumers to negotiate lower prices for brokerage services or brokerage contract terms that may be more advantageous for them than an exclusive right to sell listing;

E. Limit the ability of residential property sellers to compete with real estate brokers in locating purchasers.

The Proposed Consent Order

Part I of the order describes the conduct prohibited by the order. Subsection (1) of Part I(A) prevents the proposed respondent from conditioning membership in FMLS or use of its multiple listing service on the length of time any applicant (who must be a licensed real estate broker under South Carolina law) has owned, operated, or maintained a real estate brokerage firm or other business.

Subsection (2) of Part I(A) would prevent the FMLS from requiring, as a condition of membership or use of its multiple listing service, that applicants who satisfy FMLS's other conditions of membership receive approval by vote of any portion of FMLS members. This provision prohibits FMLS from subjecting applicants to a vote of the existing members in which they may be rejected regardless of their already having met the FMLS's objective conditions for membership.

Subsection (3) of Part I(A) would prohibit the FMLS from conditioning membership in FMLS or use of its multiple listing service on any person's refraining or withdrawing from ownership, operation, or other association with any lawful business. This subsection prohibits the FMLS from attempting to limit the range and scope of real estate brokerage or other business activities of its members.

Part I(B) would prohibit the FMLS from establishing any policy or practice that would forbid the publication through the FMLS of any exclusive agency listing, or would restrict such publication in any way other than by requiring designation of the listing as one granting an exclusive agency or by imposing terms applicable to all listings accepted for publication by the FMLS.

Part II(A) requires the FMLS to amend its bylaws to conform them with the terms of the order within 90 days of the final date of the order. Part II(B) requires, for 5 years, that the FMLS maintain special procedures with respect to applicants who are denied membership. Part II(C) requires, for three years, the FMLS to submit a copy of a notice providing a brief summary of

the provisions of the order to any person inquiring or applying for membership. Part II(D) requires, for three years, the FMLS to furnish a copy of the order to each person who requests it.

The remainder of the order's provisions pertain to the filing of compliance reports and notification of changes of the MLS's corporate form, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any change in its incorporation that may affect compliance obligations arising out of the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

This proposed consent order has been entered into for settlement purposes only and does not constitute an admission by the respondent that the law has been violated as alleged in the complaint.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 87-29852 Filed 12-29-87; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[File No. 851-0108]

Multiple Listing Service Mid County Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Brooklyn, N.Y. real estate firm from participating in various practices that have allegedly restrained price and service competition among residential real estate brokers. Respondent would be prohibited from: requiring that any applicant or member operate a full time office; fixing, maintaining or recommending any division of commission between selling and listing brokers; adopting any policy that has the purpose or effect of exclusive agency listings; requiring any member to inform Mid County or any of its members of the commission agreed to between any listing broker and homeowner; and adopting any policy having the purpose or effect of delaying the solicitation of a listing agreement.

DATE: Comments must be received on or before February 29, 1988.

ADDRESS: Comments should be addressed to: FTC/Office of the Secretary, Room 136, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Alfred J. Ferrogari, Federal Trade Commission, 2243 Federal Bldg., 26 Federal Plaza, New York, NY 10278. (212) 264-8855.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Multiple listing service, Real estate, Trade practices.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Multiple Listing Service Mid County Inc., a corporation, and it now appearing that Multiple Listing Service Mid County Inc., hereinafter sometimes referred to as proposed respondent or "Mid County," is willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between Mid County, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission that:

(1) Proposed respondent Mid County is a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 1706 Flatbush Avenue, Brooklyn, New York 11210.

(2) Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint attached hereto.

(3) Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

(4) This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

(5) This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint attached hereto.

(6) This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint attached hereto and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement

may be used to vary or contradict the terms of the order.

(7) Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

Definitions

For purposes of this order, the following definitions shall apply:

(1) "Multiple listing service" shall mean a clearinghouse through which member real estate brokerage firms regularly and systematically exchange information on listings of real estate properties and share commissions with other members.

(2) "Broker" shall mean any person, firm, or corporation that, for another and for a fee or commission, lists for sale, sells, exchanges, or offers or attempts to negotiate a sale, exchange, or purchase of an estate or interest in real estate.

(3) "Applicant" shall mean any owner or co-owner of a real estate brokerage firm who is duly licensed as a real estate broker within the State of New York and who has applied on behalf of his or her firm for membership in respondent's multiple listing service.

(4) "Member" shall mean any real estate brokerage firm that is entitled to participate in the multiple listing service offered by Mid County.

(5) "Listing agreement" shall mean any agreement between a real estate broker and a property owner for the provision of real estate brokerage services.

(6) "Listing broker" shall mean any broker who lists a real estate property with a multiple listing service pursuant to a listing agreement with the property owner.

(7) "Selling broker" shall mean any broker, other than the listing broker, who locates the purchaser for a listed property.

(8) "Exclusive agency listing" shall mean any listing under which a property owner appoints a broker as exclusive agent for the sale of the property at an agreed commission, but reserves the right to sell the property personally to a direct buyer (one not procured in any way through the efforts of any broker) at an agreed reduction in the commission or with no commission owed to the agent broker.

(9) "Exclusive right to sell listing" shall mean any listing under which a property owner appoints a broker as exclusive agent for the sale of the property and agrees to pay the broker an agreed commission if the property is sold, whether the purchaser is located by the broker or any other person, including the owner.

I

It is ordered that respondent Mid County, its successors and assigns, and its directors, officers, committees, agents, representatives, and employees, directly or indirectly, or through any corporation, subsidiary, division, or other device, in connection with respondent's operation of a multiple listing service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(A) Requiring, urging, recommending or suggesting that any applicant or member:

(1) Operate an office full-time or during customary or specified hours;

(2) Derive any particular amount or portion of income from real estate brokerage; or

(3) Engage in real estate brokerage full-time or during customary or specified hours;

provided, however, that nothing contained in this subpart shall prohibit respondent from adopting or enforcing any reasonable and nondiscriminatory policy to assure that its members are actively engaged in real estate brokerage and that listings published on respondent's multiple listing service are adequately serviced.

(B) Adopting any policy or taking any other action that has the purpose or effect of unreasonably discriminating against any prospective applicant, applicant or member that is a new entrant in the market or new to respondent's multiple listing service.

(C) Fixing, establishing, maintaining, recommending or suggesting any rate, range or amount of any division or split of commission or other fees between any selling broker and any listing broker.

(D) Adopting or maintaining any policy or taking any other action that has the purpose or effect of restricting any homeowner's participation in the determination of the division or split of commission or other fees between any listing broker and any selling broker.

(E) Restricting or interfering with:

(1) Any broker's offering or accepting any exclusive agency listing; or

(2) The publication on respondent's multiple listing service of any exclusive agency listing of a member;

provided, however, that nothing contained in this subpart shall prohibit respondent from: (a) Including a simple designation, such as a code or symbol, that a published listing is an exclusive agency listing; or (b) applying reasonable terms and conditions equally applicable to the publication of any listing, whether exclusive agency or exclusive right to sell.

(F) Requiring any member to publish or otherwise distribute to or among members of respondent, or to respondent, the rate or amount of commission agreed to between any listing broker and any property owner; provided, however, that nothing contained in this subpart shall prohibit respondent from publishing or otherwise distributing to or among members of respondent the rate or amount of commission to be paid.

(G) Adopting or maintaining any policy, or taking any other action that has the purpose, capacity, tendency or effect of prohibiting, discouraging or delaying the solicitation of a listing agreement for any property; provided, however, that nothing contained in this subpart shall prohibit respondent from adopting or enforcing any reasonable and nondiscriminatory policy that prohibits any member from using information provided to it by Mid County that pertains to a specific listed property in the solicitation of a listing agreement for that property.

II

It is further ordered that respondent Mid County shall:

(A) Within thirty (30) days after this order becomes final, furnish an announcement in the form shown in Appendix A to each member of Mid County.

(B) Within sixty (60) days after this order becomes final, amend its by-laws, rules and regulations, and other of its materials to conform to the provisions of this order and provide each member with a copy of the amended by-laws, rules and regulations, and other materials.

(C) For a period of three (3) years after this order becomes final, furnish an announcement in the form shown in Appendix A to each new member of Mid County within thirty (30) days of the new member's admission.

III

It is further ordered that respondent Mid County shall:

(A) Within ninety (90) days after this order becomes final, submit a verified written report to the Federal Trade Commission setting forth in detail the

manner and form in which respondent has complied and is complying with this order.

(B) In addition to the report required by Paragraph III(A), annually for a period of three (3) years on or before the anniversary date on which this order becomes final, and at such other times as the Federal Trade Commission or its staff may by written notice to respondent require, file a verified written report with the Federal Trade Commission setting forth in detail the manner and form in which respondent has complied and is complying with this order.

(C) For a period of five (5) years after this order becomes final, maintain and make available to the Commission staff for inspection and copying, upon reasonable notice, all documents that relate to the manner and form in which respondent has complied with this order.

(D) Notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in respondent that may affect compliance obligations arising out of this order.

Appendix A

[Respondent's Regular Letterhead]

As you may be aware, the Federal Trade Commission has entered into consent decrees with several multiple listing services in order to halt certain multiple listing service practices. To avoid litigation, Multiple Listing Service Mid County has entered into such a consent agreement. The agreement is not an admission that Mid County or any of its members has violated any law. For your information, the substantive provisions of the consent decree are reproduced below:

Order

I

It is ordered that respondent Mid County, its successors and assigns, and its directors, officers, committees, agents, representatives, and employees, directly or indirectly, or through any corporation, subsidiary, division, or other device, in connection with respondent's operation of a multiple listing service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(A) Requiring, urging, recommending or suggesting that any applicant or member:

(1) Operate an office full-time or during customary or specified hours;

(2) Derive any particular amount or portion of income from real estate brokerage; or

(3) Engage in real estate brokerage full-time or during customary or specified hours;

provided, however, that nothing contained in this subpart shall prohibit respondent from adopting or enforcing any reasonable and nondiscriminatory policy to assure that its members are actively engaged in real estate brokerage and that listings published on respondent's multiple listing service are adequately serviced.

(B) Adopting any policy or taking any other action that has the purpose or effect of unreasonably discriminating against any prospective applicant, applicant or member that is a new entrant in the market or new to respondent's multiple listing service.

(C) Fixing, establishing, maintaining, recommending or suggesting any rate, range or amount of any division or split of commission or other fees between any selling broker and any listing broker.

(D) Adopting or maintaining any policy or taking any other action that has the purpose or effect of restricting any homeowner's participation in the determination of the division or split of commission or other fees between any listing broker and any selling broker.

(E) Restricting or interfering with:

(1) Any broker's offering or accepting any exclusive agency listing; or

(2) The publication on respondent's multiple listing service of any exclusive agency listing of a member;

provided, however, that nothing contained in this subpart shall prohibit respondent from: (a) Including a simple designation, such as a code or symbol, that a published listing is an exclusive agency listing; or (b) applying reasonable terms and conditions equally applicable to the publication of any listing, whether exclusive agency or exclusive right to sell.

(F) Requiring any member to publish or otherwise distribute to or among members of respondent, or to respondent, the rate or amount of commission agreed to between any listing broker and any property owner; provided, however, that nothing contained in this subpart shall prohibit respondent from publishing or otherwise distributing to or among members of respondent the rate or amount of commission to be paid.

(G) Adopting or maintaining any policy, or taking any other action that has the purpose, capacity, tendency or effect of prohibiting, discouraging or delaying the solicitation of a listing agreement for any property; provided, however, that nothing contained in this subpart shall prohibit respondent from adopting or enforcing any reasonable and nondiscriminatory policy that prohibits any member from using information provided to it by Mid County that pertains to a specific listed property in the solicitation of a listing agreement for that property.

Mid County previously revised several of its policies in response to concerns expressed by the Federal Trade Commission staff. Further, Mid County has now made additional changes to certain of its by-laws, rules, and regulations to comply with the consent agreement.

Multiple Listing Service Mid County Inc.; Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Multiple Listing Service Mid County Inc. ("Mid County"). The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Complaint

A complaint prepared for issuance by the Commission along with the proposed order alleges that Mid County, acting as a combination of its members, has engaged in various acts and practices that have unreasonably restrained price and service competition among residential real estate brokers in the territory within which Mid County operates. The complaint alleges that these acts and practices violate Section 5 of the Federal Trade Commission Act.

According to the complaint, Mid County provides a multiple listing service for member residential real estate brokers. As described in the complaint, the multiple listing service is a clearinghouse through which competing firms exchange information on listings, *i.e.*, agreements for the provision of brokerage services. Each commission earned is split between the broker that obtained the listing and the broker that located the purchaser of the property.

The complaint states that membership in Mid County is of substantial

competitive value, significantly increasing opportunities for brokers to procure listings and significantly reducing the costs of obtaining current listings and sales information. The multiple listing of properties through Mid County, the complaint continues, generally is considered to be the most effective means of marketing residential property located within the area served by Mid County.

The complaint alleges that Mid County unlawfully denied membership to any firm not operating a full-time brokerage office. According to the complaint, the purpose or effect of this denial was to impede entry into the brokering of residential real estate in the area served by Mid County.

The complaint further alleges that Mid County fixed the maximum share of the commission that could be retained by listing brokers when sales were co-brokered. No more than 40% of the commission could be retained on the sale of residential real estate subject to an "exclusive right to sell" listing, *i.e.*, a listing under which the homeowner agrees to pay the listing broker an agreed commission on the sale of the property, irrespective of who procures the sale. No more than 30% of the commission could be retained by the listing broker on the sale of a property subject to an "exclusive agency" listing, *i.e.*, a listing under which the homeowner may sell the property to a buyer located without the assistance of any broker at a reduced commission or no commission to the listing broker. The purpose or effect of these limitations, according to the complaint, has been to deprive consumers of the advantages of competition in the listing and selling of residential real estate in the area served by Mid County.

The complaint also alleges that Mid County adopted a rule that may be construed to exclude homeowners from any role in the determination of commission splits between listing and selling brokers. The tendency or effect of this rule, the complaint states, is to deprive homeowners of the competitive advantages of negotiating with the listing broker the division of commissions.

The complaint recites that a provision of Mid County's Code of Ethics may be construed as discouraging broker acceptance of exclusive agency listings. According to the complaint, the tendency or effect of this provision is to deprive consumers of the advantages of competition among Mid County members with respect to the types of brokerage services offered.

The complaint further states that Mid County requires its members to disclose, to other members or to Mid County, the total commission or the split of commission agreed to between listing brokers and property owners. The purpose or effect of this disclosure requirement, the complaint alleges, is to reduce the likelihood of discounting and to fix commission rates among Mid County members.

The complaint also indicates that Mid County prohibited members, other than the listing broker, from soliciting the relisting of any property already subject to a published listing agreement until the prior listing has expired. The complaint alleges that the purposes or effects of this prohibition are to restrain competition among Mid County members for relistings of residential properties, stabilizing the price of brokerage services in Mid County's service area and depriving homeowners of price and service competition.

The complaint concludes that the unlawful conduct alleged may continue or recur unless the requested relief is granted.

The Proposed Order

The proposed order would prohibit Mid County from requiring or recommending that any applicant or member operate an office or otherwise engage in real estate brokerage full-time or during customary or specified hours. In addition, it would prohibit Mid County from requiring or recommending that any applicant or member derive any particular amount or portion of income from real estate brokerage. The purpose of these provisions is to prevent the creation of barriers to participation in the multiple listing service that may injure competition among real estate brokers within the area served by Mid County. The proposed order would not prevent Mid County from adopting reasonable and non-discriminatory policies to ensure that members adequately service the listings published on Mid County's multiple listing service. However, the proposed order would prohibit Mid County's adoption of any policy having the purpose or effect of unreasonably discriminating against brokerage firms new to the area serviced by Mid County or new to the multiple listing service.

The proposed order also would prohibit Mid County from fixing, maintaining, or recommending any rate, range, or amount of any division of commission between selling and listing brokers. Further, the proposed order would prohibit Mid County's adoption of any policy that has the purpose or effect of restricting homeowner participation in the determination of the division of commissions. The purpose of these provisions is to prevent Mid County from interfering with the determination of the division of commissions by market forces—including negotiations among prospective listing brokers and homeowners.

The proposed order would bar Mid County from interfering with brokers' offering, accepting, and publishing of exclusive agency arrangements. The purpose of this provision is to restrain Mid County from interfering with homeowner choice as to the type of listing arrangement selected, *i.e.*, exclusive agency or exclusive right to sell listing. The proposed order would not prohibit Mid County from designating a published listing as an exclusive agency listing, thus enabling each prospective selling broker to understand the terms under which its sales effort is invited. Further, the proposed order would not prohibit Mid County from applying reasonable terms and conditions equally applicable to exclusive right to sell and exclusive agency agreements.

In addition, the proposed order would prohibit Mid County from requiring any member to inform Mid County or any of its members of the commission agreed to between any listing broker and any homeowner. The purpose of this provision is to bar Mid County from requiring the disclosure of information that would identify, and thereby discourage, discounting by member brokers. The proposed order would not prohibit Mid County from requiring members to disclose the commission to be paid to the selling broker. Moreover, to the extent that any listing broker voluntarily informs Mid County of the commission agreed to between it and any homeowner, the proposed order would not prohibit Mid County's distribution of that information.

The proposed order also would proscribe Mid County's adoption of any policy having the purpose or effect of delaying the solicitation of a listing agreement. The purpose of this provision is to prevent Mid County from restraining member competition for the relisting of any property already subject to a listing agreement. The proposed order would not prohibit Mid County from adopting any reasonable and non-discriminatory policy to prevent the use of its information regarding a listed property in the solicitation of a listing agreement for that particular property.

The proposed order would require Mid County to provide a copy of the announcement shown in Appendix A to the consent order to each of its members within thirty (30) days after the order becomes final. The announcement

contains a verbatim recitation of the substantive provisions of the order. In addition, for a period of three (3) years, Mid County would be required to furnish a copy of the announcement to each new member within thirty (30) days of the new member's admission. The proposed order also would require Mid County to conform its by-laws and rules to the order within sixty (60) days after the order becomes final.

The proposed order also would require Mid County, within ninety (90) days after the order becomes final and then annually for a period of three years, to file a report with the Federal Trade Commission setting forth the manner of its compliance. For a period of five years, Mid County would be required to maintain and make available to the Commission staff all documents that relate to the manner of its compliance with the order. Finally, Mid County would be required to give the Federal Trade Commission thirty (30) days advance notice of any change in Mid County that may affect its compliance obligations under the order, such as dissolution or sale.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 87-29853 Filed 12-29-87; 8:45 am]

BILLING CODE 6750-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 7H5522/P435; FRL 3309-3]

Pesticide Tolerance for Deltamethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a food additive regulation be established to permit combined residues of the insecticide deltamethrin and its major metabolite, *trans*/deltamethrin, in tomato products (concentrated). This proposal to establish the maximum permissible level for residues of the insecticide in tomato products was requested by the Hoechst-Roussel Agri-Vet Co., acting as Registered U.S. Agent for Roussel Uclaf of Paris, France.

DATE: Comments must be received on or before January 29, 1988.

ADDRESS: By mail, submit written comments to: Information Service Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 204, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2400.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of January 29, 1987 (52 FR 2960), that Hoechst-Roussel Agri-Vet Co., acting as U.S. Agent for Roussel Uclaf of Paris, France, Route 202-206 North, Somerville, NJ 08876, had submitted food additive petition (FAP) 7H5522 to the Agency proposing to amend 21 CFR Part 193 by establishing a regulation permitting combined residues of the insecticide deltamethrin ((1*R*,3*R*(2,2-dibromovinyl) 2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzylester) and its major metabolite, *trans*-deltamethrin, in tomato products at 0.2 part per million (ppm).

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicity and other relevant data on this insecticide are included in a related proposed rule [PP 2E2663/P432], which is published elsewhere in this issue of the **Federal Register** and proposes establishing a tolerance in or on the raw agricultural commodity tomatoes.

Based upon the review of residue data, EPA is proposing that the level of 0.2 ppm in or on tomato products be set at 1.0 ppm. This increase in the food additive tolerance is necessary to adequately cover potential concentrations of residues in tomato products.

The pesticide is considered useful for the purpose for which the tolerance is sought. Based on the above information, the Agency has determined that the proposed tolerance for tomato products would protect the public health.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 7H5522/P435]. All comments filed in response to this proposed rulemaking will be available in the Product Manager's Office, Registration Division, at the address given above from 8 a.m. to 4 p.m., Monday through Firday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels, do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 193

Animal feeds, Pesticides and pests.

Dated: December 17, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, it is proposed that 21 CFR Part 193 be amended as follows:

PART 193—[AMENDED]

1. The authority citation for Part 193 continues to read as follows:

Authority: 21 U.S.C. 348.

2. New § 193.478 is added to read as follows:

§ 193.478 Deltamethrin.

A regulation is established permitting combined residues of the insecticide

deltamethrin [(1*R*,3*R*)-3(2,2-dibromovinyl)-2, 2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester] and its major metabolite, *trans*-deltamethrin, in or on the following food commodity:

Food	Part per million
Tomato products (concentrated)	1.0

[FR Doc. 87-29872 Filed 12-29-87; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 46

Administration of Adult Education Program

November 3, 1987.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is publishing proposed regulations that will establish standardized administrative procedures for operating and administering an educational program for Indian adults. The new regulations will apply to adult education programs within the Bureau and tribally contracted adult education programs. The Office of Inspector General has recommended that regulations be developed to govern the administration of the adult education programs. These proposed regulations are in response to the recommendation of the Office of Inspector General.

DATES: Comments must be recieved on or before February 29, 1988.

ADDRESSES: Mail or hand carry written comments to: Wilson Babby, Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs), Bureau of Indian Affairs, Department of the Interior, 18th & C Streets, NW., Room 3512, Main Interior, Washington, DC 20245.

FOR FURTHER INFORMATION CONTACT: Esther Whalen, Office of Indian Eduction Programs, Bureau of Indian Affairs, Department of the Interior, 18th & C Streets, Main Interior, NW., Washington, DC 20245, telephone number (202) 343-4871.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. Adult education monies have been appropriated, identified, and allotted to the Bureau of Indian Affairs since Fiscal Year 1955. These proposed rules are being prepared to give guidance and direction to the administration of these funds. The rules will ensure that the Bureau of Indian Affairs Adult Education Program shall provide educational opportunities and learning experiences to enable Indian adults to acquire basic literacy skills, continue their education to at least the level of completion of secondary school, and to gain the skills needed to improve their functioning as individuals and as members of families and communities. The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding proposed rules to the location identified in the address section of this preamble. Comments must be received on or before February 29, 1988.

The primary author of this document is Esther Whalen, Branch Chief, Bureau of Indian Affairs, Office of Indian Education Programs, Washington, DC 20245, telephone number (202) 343-4871.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291. This rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969. The proposed regulations do not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 606 *et seq*). These proposed regulations will only effect the delivery of audit education services to eligible individual Indian adults, and will not have an impact on small entities as defined in the Act.

The information collection requirements contained in §§ 46.5, 46.9, and 46.10 have been submitted to the Office of Management and Budget for approval as requried by 44 U.S.C. 3501 *et seq*. The collection of this information will not be required until the collection form has been approved by the Office of Management and Budget.

The Bureau of Indian Affairs previously defined all applicants for assistance under the Adult Education Program to mean a person who is recognized as a member of an Indian tribe by the Secretary of the Interior, and who has at least one-fourth degree Indian blood, Alaska Native, Eskimo or Aleut blood (Alaska Native). However, the U.S. Court of Appeals for the Ninth Circuit has ruled that such one-fourth blood requirement is not in accordance with the authorizing statute, Zarr v. Barlow, No. 85-2170 (September 30, 1986). Therefore, the quarter blood requirement is being removed. Comments are especially desired on this section of eligibility.

List of Subjects in 25 CFR Part 46

Indians, Adult education programs.

It is proposed to add a new Part 46 to Subchapter E, Chapter I of Title 25, of the Code of Federal Regulations to read as follows:

PART 46—ADMINISTRATION OF THE ADULT EDUCATION PROGRAM

Sec.

Authority: 43 U.S.C. 1457; 25 U.S.C. 2, 9, and 13, and the Reorganization Plan No. 3 of 1950 (65 Stat. 1262); 209 DM 8.

§ 46.1 Purpose and scope.

This Part governs the program parameters and expenditure of funds appropriated for the Adult Education Programs funded by the Bureau of Indian Affairs. It sets forth the requirements to administer Bureau operated and tribally contracted Adult Education Programs. The adult education program is designed to help raise the level of education for Indian adults and to enhance their opportunities for self-dependence, to improve their ability to benefit from occupational training and otherwise increase their opportunites for more productive and profitable employment, and to enhance their capabilities in meeting their responsibilities.

§ 46.2 Definitions.

As used in this part: "Adult Basic Education (ABE)" means education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to obtain or retain employment commensurate with their real ability.

"Adult education" means educational instruction below the college level, for Indian adults sixteen years of age or older who are not enrolled in a formalized school education program or

postsecondary education program, which is intended to enhance self-dependence, improve ability to benefit from occupational training or otherwise increase their opportunities for more productive and profitable employment, and/or otherwise to enhance abilities to fulfill responsibilities.

"Assistant Secretary" means the Assistant Secretary—Indian Affairs, Department of the Interior or his/her authorized representative.

"Community service courses" means the non-credit short courses, seminars or workshops planned to meet the adult education needs of the community.

"Continuing Education Unit (CEU)" means course work in which credit may be earned but not counted toward a postsecondary degreed program. One CEU represents ten contact hours of participation in an organized educational experience under responsible sponsorship, capable direction and qualified instruction.

"Director" means the Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs), Bureau of Indian Affairs or his/her authorized representative.

"General Educational Development Test (GED)" means the test taken to obtain a high school equivalency diploma.

"Indian" means a person who is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior.

"Indian adult student" means an Indian who has attained 16 years of age or is beyond the age of compulsory school attendance under State or tribal law and is not currently enrolled in a formal secondary or postsecondary education program.

"Indian priority system" means the Bureau of Indian Affairs budget formulation process that allows direct tribal government involvement in the setting of relative priorities for the local operating programs.

"Indian tribe" means any Indian tribe, band, nation, rancheria, pueblo, colony, or community including any Alaska Native village which is Federally recognized by the United States Government through the Secretary for special programs and services provided by the Secretary to Indians because of their status as Indians.

"Life coping skills" means (1) everyday basic skills leading to self-sufficiency in such areas as seeking employment, social responsibilities, budgeting, money management, filling out applications, consumer awareness, and (2) instructional information services from Federal, state, and tribal programs (i.e., medicare, Social Security, filing of federal and state taxes, per capita entitlements, and real estate and trust services).

"Program administrator" means an individual who is directly responsible for the operation of a Bureau or tribally contracted Adult Education Program.

"Program officer" means the officer administering funds appropriated to the Bureau for the Adult Education Program.

"Public Law 93–638" means the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 (88 Stat. 2203)).

"Secretary" means the Secretary of the Interior or his/her authorized representative.

"Service area" means the geographic area served by an Adult Education Program.

"Supportive services" means recruitment, child care, transportation and follow-up services for Indian adult participants.

"Tribal contractor" means an Indian tribe or organization which has contracted with the Bureau of Indian Affairs for the administration of the Adult Education Program under the authority of Public Law 93–638.

§ 46.3 Information collection [reserved].

§ 46.4 Eligible activities.

(a) Funds appropriated for Adult Education Programs may be used for:

(1) Programs of instruction (including costs of developing and planning these programs) for Indian adults for the purpose of enabling these adults to become productive members of society. These programs of instruction may include preparation for the General Educational Development test, Adult Basic Education, community service courses, and life coping skills courses.

(2) Programs of instruction in Adult Basic Education or preparation for the GED designed to operate in conjunction with existing Federal and non-Federal programs and activities to develop occupational and related skills for Indian adults, particularly programs authorized under the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*), the Vocational Education Act of 1963, as amended (20 U.S.C. 2301), or under the Older Americans Act of 1965 (42 U.S.C. 3001 *et seq.*).

(3) Programs providing educational support services that meet the needs of Indian adults, including but not limited to—

(i) Tutoring, and

(ii) Guidance and counseling with regard to educational opportunities.

(4) Special instructional programs for elderly Indians designed to equip such elderly persons to deal successfully with practical problems in their everyday living, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those Indian Trust Services, public assistance, social security benefits, and housing.

(b) The Adult Education Program Officer may not use adult education funds for purposes that duplicate available State, local or other Federal programs or services.

§ 46.5 Education program plan requirements.

(a) For each fiscal year covered by programs under this Part, each program office shall develop and implement an educational plan based on the funding level established for adult education in the formulation of the budget under the Indian Priority System.

(b) These plans shall be updated every other year to reflect the current needs of the Indian adults in the service area.

(c) The educational plan shall include, but not be limited to the following information:

(1) Assessment of adult education needs of the target population;

(2) A description of programs of instruction planned in response to this assessment, which may not duplicate activities or services available under State, local or other Federal programs;

(3) A statement of goals and measurable objectives for each program of instruction planned;

(4) Procedures, organization and methods to be used to accomplish the goals and objectives for each program of instruction;

(5) A description of the evaluation procedures to be used to measure achievement of objectives;

(6) A budget showing the amount and sources of funding and other resources required for the program;

(7) Findings, supported by an evaluation of expected program accomplishments, that the program is cost effective;

(8) A staffing plan, including position qualifications to be used in the program and including requirements that program personnel be experienced and trained in fields related to the program activities;

(9) An indentification of the facilities to be used and certification that they are adequate to support the planned activities; and

(10) Criteria for the course work is established prior to the beginning of the activity if Continuing Education Units (CEU) are to be awarded to students.

§ 46.6 Approval of education program plans.

Program plans for each Adult Education Program are subject to the approval of the appropriate Agency Superintendent for Education (ASE) or of the Area Education Programs Administrator (AEPA) based on the criteria set forth in § 46.5.

§ 46.7 Maximum program participation.

To assure maximum program participation, adult education funds expended under this Part may be used for recruitment, child care, student transportation, staff development and follow-up, provided that no more than 15 percent of the program allocation is used for these activities.

§ 46.8 Eligible students.

To be eligible for assistance from funds appropriated to the Bureau for adult education, an applicant must:

(a) Be an Indian as defined in § 46.2;

(b) Be sixteen years of age or beyond the age of compulsory school attendance under State or tribal law; and

(c) Be currently not enrolled in a formal secondary or postsecondary education program.

§ 46.9 Application form.

The "Bureau of Indian Affairs Adult Education Application" shall be used by all applicants participating in adult education programs under this Part in accordance with the requirements of the Paperwork Reduction Act, section 3504(h) of Pub. L. 96–511. Such forms shall be available at Bureau Agency and Area Offices, and tribal offices administering this program under Pub. L. 93–638 contract.

§ 46.10 Program records and reporting requirements.

(a) Each program officer shall annually submit by December 1, a report on the previous fiscal year's activities to the Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs) through the appropriate ASE or AEPA by December 1 of each year. The report shall include the following information:

(1) Number of program participants by instructional area (i.e., ABE, GED preparation, community service classes, life coping skills) and records of program completion; and information regarding duration of course hours;

(2) Number of participants that earned high school equivalency diplomas;

(3) Listing of courses offered as community service courses, life coping skills classes, special courses for the elderly, etc. along with data on the total number of participants in each course offered and those who completed the program;

(4) Narrative statements, including the financial statement, describing how all fiscal year Bureau funds were used for the adult education program;

(5) Narrative statements providing description of program accomplishments, facts, suggestions recommendations, newsletters, (if applicable) pictures (if applicable) and highlights.

(b) Each adult education program officer shall maintain records necessary to identify all transactions involving Bureau funds available under this Part. Such records shall include:

(1) Student files that identify each adult student and his/her status;

(2) Student files that show attendance, courses taken, and placement test results;

(3) Adequate documentation to demonstrate the eligibility of every student assisted by the program;

(4) Information regarding the number of participants served by the programs and the number of participants that earned high school equivalency diplomas; and

(5) Documentation of program expenditures.

Ross O. Swimmer

Assistant Secretary—Indian Affairs.

[FR Doc. 87–29824 Filed 12–29–87; 8:45 am]

BILLING CODE 4310–02–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 7E3549/P439; FRL 3308–7]

Pesticide Tolerance for 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)-propyl]-3-hydroxy-2-cyclohexene-1-one

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the herbicide 2-[1-(ethoxyimino)-butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites (referred to in this document as "sethoxydim") in or on the raw agricultural commodity artichokes. The regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments, identified by the document control number [PP 7E3549/P439], should be received on or before January 29, 1988.

ADDRESS: By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM # 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, CM # 2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703)–557–2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, submitted pesticide petition 7E3549 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodity artichokes at 3.0 parts per million (ppm). The petitioner proposed that use of

sethoxydim on artichokes be limited to California based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A 6-month dog feeding study with a no-observed-effect level (NOEL) of 2 milligrams (mg)/kilogram (kg)/day (equivalent to 60 ppm).

2. A 2-year chronic feeding/oncogenicity study in rats with a NOEL equal to or greater than 360 ppm (equivalent to 18 mg/kg/day, highest does tested) and no oncogenic effects observed under the conditions of the study at all dose levels tested (40, 120, and 360 ppm).

3. A 2-year chronic feeding/oncogenicity study in mice with a NOEL of 120 ppm (equivalent to 18 mg/kg/day) and no oncogenic effects observed under the conditions of the study at all dose levels tested (0, 40, 120, 360, and 1,080 ppm).

4. A two-generation reproduction study in rats with a NOEL of 360 ppm (equivalent to 18 mg/kg/day).

5. A teratology study in rats with no observed teratogenic effects at 250 mg/kg/day (highest dose tested) and a NOEL of 40 mg/kg/day for maternal toxicity.

6. A teratology study in rabbits with a NOEL for teratogenic effects and maternal toxicity at 160 mg/kg/day.

7. Mutagenicity studies including recombinant assays and forward mutations in *B. subtilis, E. coli,* and *S. typhimurium* (negative at concentrations of chemical to 100 percent), and a host-mediated assay (mouse) with *S. typhimurium* (negative at 2.5 grams (gms)/kg/day of chemical).

8. A metabolism study in rats which showed negligible accumulation and extremely rapid excretion of the chemical.

The acceptable daily intake (ADI), based on the 6-month dog feeding study NOEL of 2 mg/kg/day and using a 100-fold safety factor, is calculated to be 0.02 mg/kg of body weight/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 1.2 mg/day. The theoretical maximum residue contribution(TMRC) from existing tolerances for uses of sethoxydim is calculated to be 0.006874 mg/kg/day. The current action will increase the TMRC by 0.000010 mg/kg/day (0.14 percent). Published tolerances utilize 34.37 percent of the ADI, and the current action will utilize an additional 0.05 percent.

The nature of the residues is adequately understood, and an adequate analytical method, gas-liquid chromatography using a flame photometric detector, is available for enforcement purposes. Analytical enforcement methods are currently available in the Pesticide Analytical Manual (PAM), Volume II. There are currently no actions pending against the continued registration of this chemical.

No secondary residues in meat, milk, poultry, or eggs are expected since artichokes are not considered a livestock feed commodity. Based on the information and data considered, the Agency concludes that the tolerance will protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 7E3549/P439]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: December 17, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.412 is amended by designating the current paragraph and list of tolerances as paragraph (a) and by adding new paragraph (b) to read as follows:

§ 180.412 2-[1-(Ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one; tolerances for residues.

* * * * *

(b) Tolerances with regional registration, as defined in § 180.1(n), are established for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the following raw agricultural commodities:

Commodities	Parts per million
Artichokes	3.0

[FR Doc. 87–29875 Filed 12–29–87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 7E3527/P438; FRL 3308–8]

Pesticide Tolerance for Fluazifop-butyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the herbicide fluazifop-butyl in or on the raw agricultural commodity rhubarb. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments, identified by the document control number [PP 7E3527/

P438], must be received on or before January 29, 1988.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Hoyt Jamerson, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 7E3527 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project, and the Agricultural Experiment Stations of Maryland and New Jersey.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide (R)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy] propanoic acid (resolved isomer of fluazifop), both free and conjugated and of butyl[R]-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]-oxy]phenoxy] propanoate (resolved isomer of fluazifop-P-butyl), all expressed as fluazifop, in or on the raw agricultural commodity rhubarb at 0.5 part per million (ppm). The petitioner proposed that use on this commodity be limited to Maryland and New Jersey based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contract the Agency's Registration Division at the address provided above.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A 2-year chronic feeding/oncogenicity study in rats which was negative for oncogenic potential under the conditions of the study at 3.0 milligrams (mg) per kilogram (kg) of body weight (bw) per day (equivalent to 60 ppm highest dose tested) and a systemic no-observed-effect level (NOEL) of 1 mg/kg/day.

2. A 90-day rat feeding study with a NOEL of 0.5 mg/kg/day (equivalent to 10 ppm).

3. A 90-day dog feeding study with a NOEL of 25 mg/kg/day (equivalent to 1,000 ppm).

4. A rat oral lethal dose LD_{50} of 3,300 mg/kg.

5. A rat teratology study with a teratogenic and maternal toxicity NOEL of 10 mg/kg/day (equivalent to 200 ppm) and a NOEL for fetotoxicity of 1 mg/kg/day.

6. A rabbit teratology study with no teratogenic effect at 90 mg/kg/day (highest dose tested) and a NOEL for fetotoxicity of 10 mg/kg/day (equivalent to 330 ppm).

7. A two-generation rat reproduction study with a NOEL of 1 mg/kg/day.

8. A 1-year dog feeding study with a NOEL of 5 mg/kg/day.

9. An 18-month mouse chronic feeding/oncogenicity study with no observed oncogenic potential under the conditions of the study at 3.0 mg/kg/day (highest dose tested) and a NOEL for systemic toxicity of 1.0 mg/kg/day (equivalent to 7 ppm).

10. An Ames test (negative), a rat cytogenetic study (negative), and an *in-vitro* transformation assay (negative).

11. An acute delayed neurotoxicity study in hens (negative).

The acceptable daily intake (ADI), based on the 2-year rate feeding study (NOEL of 1.0 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.01 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.6 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.001712 mg/kg/day; the current action will increase the TMRC by 0.000002 mg/kg/day (0.12 percent). Published tolerances utilize 17.1 percent of the ADI; the current action will utilize an additional 0.02 percent.

The nature of the residues is adequately understood, and an adequate analytical method, high pressure liquid chromatography using an ultraviolet detector, is available in Pesticide Analytical Manual, Volume II (PAM–II), for enforcement purposes.

Based on the above information considered, the Agency concludes that the tolerance established by amending 40 CFR 180.411 will protect the public health. No secondary residues in meat, milk, poultry, or eggs are expected since rhubarb is not considered a livestock feed commodity.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 7E3527/P438]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 17, 1987.

Edwin F. Tinsworth

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. In § 180.411 by adding new paragraph (d) to read as follows:

§ 180.411 Fluazifop-butyl; tolerances for residues.

* * * * *

(d) Tolerances with regional registration, see § 180.1(n), are established for residues of the resolved isomer of the herbicide, fluazifop, (R)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]-oxy]phenoxy] propanoic acid, both free and conjugated and of fluazifop-P-butyl, butyl[R]-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy] propanoate, all expressed as fluazifop, in or on the raw agricultural commodities:

Commodity	Parts per million
Rhubarb	0.5

[FR Doc. 87-29876 Filed 12-29-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2663/P432; FRL 3308-6]

Pesticide Tolerance for Deltamethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the insecticide deltamethrin and its major metabolite, *trans*-deltamethrin, in or on the raw agricultural commodity tomatoes. The proposed regulation to establish a maximum permissible level for residues of the insecticide was requested, pursuant to a petition, by Hoechst-Roussel Agri-Vet Co., acting as Registered U.S. Agent for Roussel Uclaf of Paris, France.

DATE: Comments must be received on or before January 29, 1988.

ADDRESS: By mail, submit written comments to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

In person, bring comments to: Room 236, CM # 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Room 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 15, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Office location and telephone number: Rm. 204, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2400.

SUPPLEMENTARY INFORMATION: The Hoechst-Roussel Agri-Vet Co., acting as Registered U.S. Agent for Roussel Uclaf of Paris, France, Route 202-206 North, Somerville, NJ 08876, submitted pesticide petition 2E2663 to the EPA. The petition requests that the Administrator propose that 40 CFR Part 180 be amended by establishing a tolerance for the combined residues of the insecticide deltamethrin ((1*R*,3*R*)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester) and its major metabolite, *trans*-deltamethrin, in or on the raw agricultural commodity tomatoes imported from Mexico at 0.2 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include a rat chronic feeding/oncogenicity study which was negative for oncogenic effects under the conditions of the study up to and including 50 ppm, the highest dose tested (HDT). The no-observed-effect level (NOEL) for this study was 20 ppm. At the highest dose level tested (50 ppm) there were decreases in body weight gain. Other studies include a 2-year dog chronic feeding study with a NOEL of 40 ppm (HDT); a mouse oncogenicity study which showed no oncogenic or other effects under the conditions of the study at 100 ppm (HDT); mouse and rat teratology studies which showed no teratogenic effects up to and including 10.0 milligrams per kilogram per day (mg/kg/day) (HDT); a rabbit teratology study which showed no teratogenic effects up to and including 16 mg/kg/day (HDT); a rat three-generation reproduction study which had a NOEL of 50 ppm (HDT); a delayed neurotoxicity study with hens which was negative at doses up to and including 5,000 mg/kg; mutagenicity—*E. coli* (Slater and Bridges test) in which deltamethrin was not mutagenic up to and including 5,000 μg/milliliter; two mutagenicity (Ames test) which were negative with or without metabolic activation with strains TA98, TA100, TA1535, TA1537, and TA1538; a dominant lethal test with mice which did not show mutagenic effects; and microsomal metabolism studies *in vitro* (rat liver, housefly, cabbage looper) in which oxidative and hydrolytic enzyme metabolism was studied and metabolites identified.

The acceptable daily intake (ADI) is calculated to be 0.01 mg/kg/day based on a 2-year rat chronic feeding study with a NOEL of 20.0 ppm (1 mg/kg/day) and a hundredfold safety factor. The maximum permissible intake is calculated to be 0.6 mg/day for a 60-kg person. Establishment of this tolerance, based on the Tolerance Assessment System analysis, which estimated the average U.S. population dietary exposure, will result in a theoretical maximum residue contribution of 0.0002 mg/kg/day.

Data desirable but currently lacking from the petitioner are additional mutagenicity tests in accordance with Subpart F of the Agency's Guidelines. The petitioner has been informed of these date requirements and has agreed to submit the data by March of 1989.

There are no regulatory actions pending against registration of the insecticide, nor are there any other relevant considerations involved in establishing the proposed tolerance. The metabolism of deltamethrin and its major metabolite, *trans*-deltamethrin, is adequately understood for this use, and an adequate analytical method (the same methodology used for (1*R*,3*S*)3[(1'*RS*)(1',2',2',2'-tetrabromoethyl)]-2,2-dimethylcyclo-

propanecarboxylic acid [*S*]-*alpha*-cyano-3-phenoxybenzyl ester (40 CFR 180.422)], gel permeation chromatography and gas liquid chromatography with an electron capture detector, is available in the FDA Pesticide Analytical Manual, vol. II, for enforcement purposes.

Imported tomatoes are not processed into dried tomato pomace for animal feed; therefore, there is no reasonable expectation of secondary residues in eggs, meat, milk, or poultry.

The pesticide is considered useful for the purpose for which the tolerance is sought. Based on the above information, the Agency has determined that the proposed tolerance for residues of the pesticide in or on tomatoes will protect the public health.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, which contains any of the ingredients listed herein may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments in the proposed regulation. Comments must bear a notation indicating the document control number, [PP 2E2663/P432]. All comments filed in response to this proposed rulemaking will be available in the Product Manager's Office, Registration Division, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Date: November 13, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. New § 180.435 is added to read as follows:

§ 180.435 Deltamethrin; tolerances for residues.

A tolerance is established for residues of the insecticide deltamethrin [(1*R*,3*R*)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylic acid (*S*)-alpha-cyano-3-phenoxybenzyl ester] and its major metabolite, *trans*-deltamethrin, in or on the following raw agricultural commodity:

Commodity	Part per million
Tomatoes	.02

[FR Doc. 87-29873 Filed 12-29-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[Common Carrier Docket No. 87-530; FCC 87-363]

Private Networks and Private Line Users of Exchange Access

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to reexamine the access charge rules as they apply to private networks and private line users of exchange access. This action is necessary to determine whether a more rational approach to the assessment charges is possible.

DATES: Comments are due by February 29, 1988, and reply comments by March 30, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Judith Wish, (202) 632-4047.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking in Common Carrier Docket 87-530, FCC 87-363, Adopted November 24, 1987, and Released December 15, 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

1. In a series of orders in CC Docket No. 78-72, the Commission adopted a comprehensive access charge plan for the recovery by local exchange carriers (LECs) of the costs associated with the origination and termination of interstate telecommunications.[1] A primary objective of the plan was to reduce or eliminate discrimination or preferences in charges for telecommunications services. Thus, the plan applied switched access charges to most interstate services that use local exchange switches and common line facilities for access, including MTS, WATS, and MTS/WATS-equivalent services, as well as those that combine interstate private line service with these facilities, such as FX, CCSA, and CCSA-equivalent services.

2. However, in attempting to implement an access charge plan in which all interstate traffic that traversed the local exchange would receive the same treatment, the Commission encountered two obstacles: The "leaky PBX" phenomenon and "rate shock." The leaky PBX phenomenon arises because most private line users who terminate their lines in PBXs can interconnect those lines to local exchange subscriber lines to route interstate calls through the local exchange switch to another subscriber line. Because these interstate calls appear to the LEC as local calls, the LEC was unable to identify the interstate calls for purpose of applying access charges.

3. The leaky PBX problem arises with any device that can interconnect private lines with local exchange subscriber lines, including Centrex equipment. In drafting the present access charge rules the Commission treated Centrex leakage

[1] Third Report and Order, MTS and WATS Market Structure, CC Docket No. 78-72, 93 FCC 2d 241 (1983) (*Access Charge Order*), *modified on reconsideration*, 97 FCC 2d 682 (1983) (*First Reconsideration Order*), *modified on further reconsideration*, 97 FCC 2d 834 (1984) (*Second Reconsideration Order*).

like PBX leakage because of concern that Centrex raised the same measurement problems that PBX did. In addition, the Commission seemed to be concerned that, because Centrex and PBX competed directly with one another, treating them differently for access charge purposes would have serious competitive impacts.

4. "Rate shock" refers to the Commission's concerns that immediate application of switched access charges to certain interstate services that use local exchange switches and common line might unduly burden, or even disrupt, their operations. In response to these concerns, the Commission granted temporary exemptions from payment of such charges to certain resellers, enhanced service providers, and sharers. Recently, the Commission eliminated the exemption for resale carriers,[2] and on July 17, 1987, initiated a rulemaking to consider whether to eliminate the exemption for enhanced service providers.[3]

5. While the Commission did not apply switched access charges to leaked interstate PBX traffic and other exempt traffic, it developed a surrogate charge—the special access surcharge—applicable to all special access lines that terminate in a PBX or any other device that can interconnect special access lines with subscriber lines, and that do not fall within certain specified exceptions. The Commission recognized at the time that there were notable limitations on the surcharge as an effective substitute for switched access charges, and the Commission indicated that it expected that superior methods of dealing with the leaky PBX problem would be developed.

6. Thus, in their present form, the access charge rules create a substantial dichotomy in the charges applied to private networks and private lines depending or whether they access the local exchange facilities via (a) CCSA or equivalent switching services, or (b) PBX or equivalent devices, including Centrex.

7. Since the Commission adopted the access charge plan, there have been significant developments in switch technology and increasing competition in the private line and private network market. Thus, the more sophisticated switches available today enable certain Centrex and PBX equipment to distinguish and measure interstate traffic "leaked" into the local exchange. Moreover, competition is increasing in the private network market as functionally similar interstate private network switching services are being provided interexchange carriers, local exchange carriers, and CPE. Thus, Centrex-Electronic Tandem Switching (Centrex-ETS) service, and similarly sophisticated ETS-like PBX devices, largely unknown in their present form in 1983, have become increasingly and directly competitive with CCSA switching services. Yet, the Commission's rules and orders do not define CCSA-equipment or list its characteristics. Neither do the rules and orders specifically mention Centrex-ETS or PBX–ETS service, or indicate whether the Commission intended them to be considered CCSA–like or PBX–like services.

8. The Bell Atlantic Declaratory Ruling Order, adopted along with this *NPRM*,[4] considers the appropriate access charge treatment of Centrex–ETS for the first time. The Commission there concluded that Centrex-ETS, although something of a "hybrid" service—combining both CCSA-like and PBX-like characteristics—is functionally and competitively so similar to CCSA service that under the present access charge rules it should be treated as a CCSA-equivalent service. That result raises questions regarding discrimination, efficiency, and enforcement, since it treats off-network interstate private network traffic switched by Centrex-ETS switches differently from such traffic switched by PBX–ETS, conventional Centrex, and conventional PBX systems.

9. In light of these developments, the Commission has decided to reexamine the present access charge rules to determine whether a more technically and economically rational approach to the assessment of charges for private network access that better promotes the goals of the access charge plan is possible. Specifically, the *NPRM* proposes to reexamine and seeks comment on the following issues relating to the application of the access charge rules to private networks and private line users:

a. *Centrex-ETS:* The *NPRM* seeks comment on whether Centrex-ETS service should continue to be treated as a CCSA-equivalent for access charge purposes. Specifically, the *NPRM* tentatively concludes that Centrex-ETS is functionally similar to CCSA, competes for the same business as CCSA, and, in most, if not all, cases, can identify and measure interstate private network traffic switched off the private network (off-net). The *NPRM* seeks comment on these conclusions. In addition, the *NPRM* indicates that certain problems may arise if Centrex-ETS continues to be treated differently from conventional Centrex, and requests comment on the potential definitional problems and possible network inefficiencies that might arise.

b. *Conventional Centrex:* The *NPRM* tentatively concludes that conventional Centrex is functionally distinct from Centrex-ETS and CCSA-type service, and seeks comments on that conclusion and on whether that distinction should affect the access charge treatment of conventional Centrex service. In addition, the *NPRM* seeks comment on whether and, if so, the extent to which conventional Centrex switches can identify and measure interstate traffic switched into and out of the local exchange. The *NPRM* also seeks comment on whether the Commission should, to further its goal of having all interstate users of local exchange switches pay similar access charges for similar use, require application of switched access charges whenever measurement is possible. Finally, the *NPRM* asks commenters to consider the likely competitive effects of applying switched access charges to conventional Centrex service, but not to conventional PBX switches.

c. *PBX–ETS:* The *NPRM* tentatively concludes that PBX–ETS is functionally equivalent to Centrex-ETS and CCSA, and is being used interchangeably with those services in large, nationwide private networks. The *NPRM* asks commenters to provide data on the growth of the private network market, the switching devices that are part of it, and the ways in which that growth might be affected by changes in the access charge rule that would treat all electronic tandem switching devices—CCSA, Centrex-ETS, and PBX–ETS—the same. The *NPRM* points out that while equal treatment may be desirable, the LEC may not be able to measure the interstate usage by the PBX–ETS; it seeks comment on the LEC's capability to do so. The *NPRM* requests comment on whether PBX–ETS private networks now use, or should be required to use, dedicated off-network access lines (ONALS) for off-net access, over which measurement would presumably be possible. Alternatively, the *NPRM* seeks comment on whether the Commission

[2] WATS–Related and Other Amendments of Part 69 of the Commission's Rules, Second Report and Order, CC Docket No. 86–1, FCC 86–377 (released Aug. 26, 1986) (*Second Report and Order*).

[3] Amendment of Part 69 of the Commission's Rules Relating to Enhanced Service Providers, Notice of Proposed Rulemaking, CC Docket No. 87–215, FCC 87–208 (released July 17, 1987) (*Enhanced Services NPRM*).

[4] Bell Atlantic Petition for Declaratory Ruling Concerning Application of the Commission's Access Charge Rules to Private Telecommunications Systems, FCC 87–361 (released Dec. 15, 1987).

should require PBX–ETS users to measure their own leakage and report that leakage to the LEC, and on the difficulties inherent in such an approach. Finally, the *NPRM* indicates that problems may arise if PBX–ETS is treated differently from conventional PBX, and requests comment on the potential definitional problems and possible network inefficiencies that might arise.

d. *Conventional PBX:* The *NPRM* concludes that conventional PBX, like conventional Centrex, is functionally distinct from PBX–ETS, Centrex-ETS, and CCSA-type interstate private network switching services, and seeks comment on that conclusion. The *NPRM* also seeks comment on the measurement capability of conventional PBX switches in use now. If measurement is possible on some, or all, such switches, the *NPRM* asks whether they should be subject to switched access charges. Finally, the *NPRM* seeks comment on how such a requirement might be implemented.

10. In those cases where the Commission concludes that it is not possible or desirable to impose switched access charges on certain private networks and private line users, the *NPRM* suggests that a surrogate charge—like the special access surcharge—may continue to be the best way of ensuring that private line users contribute in some way to the local exchange facilities they use in originating and terminating interstate calls through the public switched network. At the time the Commission adopted the special access surcharge in 1983, it recognized that the surrogate charge contained many defects, and anticipated that it would soon be replaced. In 1984, the Commission issued a Notice of Proposed Rulemaking to consider modifications and/or elimination of the special access surcharge.[5] The record developed in the proceeding has been made part of this docket. Based on the comments and reply comments filed in that proceeding and in view of the changes in switch technology since 1983, the *NPRM* proposes the following possible modifications to the special access surcharge, and seeks comment on each:

a. *Eliminate the self-certification exemption to the special access surcharge.* The *NPRM* seeks comment on whether the Commission should eliminate the surcharge exemption for private line subscribers who certify that they have implemented hardware or software restrictions to disable their PBX or similar device from leaking. The *NPRM* points out that many commenters, in response to the earlier Notice, assert that the exemption has been abused, and is difficult for the LECs to enforce; or the other hand, the exemption may have reduced leakage and discouraged facilities bypass. The *NPRM* seeks comment on the effects and value of the exemption, and on whether it should be eliminated.

b. *Reduce the surcharge to reflect the decrease in CCL charges.* The present surcharge was computed as a surrogate for both end office access charges and CCL charges for interstate use of the local exchange. The CCL charge has decreased since 1983. The *NPRM* invites specific proposals for a mechanism that would, in applying the existing surcharge formula, either simply reduce the surcharge amount by some factor to reflect decreases in the CCL charge, or adjust the surcharge amount to take account of other factors.

c. *Modified measurement approach.* The *NPRM* invites comment on a proposed modified measurement approach to replace the present surcharge, consisting of the following: Each LEC would be required to develop a measurement-based charge, involving actual measurement or a representative sampling of leakage through conventional Centrex equipment. That charge would then be applied to special access lines connected to all Centrex and PBX switches that are subject to the surcharge. The *NPRM* also seeks comment on variations or improvements in this proposal.

d. *Maintain the existing surcharge.* The *NPRM* seeks comment on whether, in view of the problems that might arise with respect to the proposed modifications in the surcharge, no other surcharge mechanism would be more effective than the present one or would better serve the public interest.

1. Finally, the *NPRM* considers the appropriate access charge treatment for entities that share private lines and private networks. As noted, the access charge rules initially exempted resale carriers, enhanced service providers, and sharers from switched access charges because of rate shock concerns. The resellers' exemption has been eliminated, and the Commission recently proposed to eliminate the exemption for enhanced service providers. MCI filed a Petition for Clarification in CC Docket No. 86–1 requesting the Commission to clarify that in eliminating the exemption for resellers it also intended to eliminate the exemption for entities that share private networks and systems. The Commission, in an Order adopted along with the *NPRM*,[6] denied the petition, stating that the reseller order does not extend to sharers. However, in view of these actions, the *NPRM* concludes that it is no longer appropriate to maintain a switched access charge exemption for entities that share private lines and private networks to the extent they use the local network in the same way as resellers and other users of private networks and private line services. The *NPRM* tentatively concludes that switched access charges should apply to private line sharers in the same way that they apply to all private users of the local exchange, and seeks comment on that tentative conclusion and on potential implementation problem with it.

Procedural Matters

12. Pursuant to 47 U.S.C. 154(i), 154(j), 201–05, 218, and 403, and 5 U.S.C. 553, notice is hereby given of proposed adoption of new or modified rules.

13. All interested persons may file comments on the issues and proposals discussed herein not later than February 29, 1988, and replies may be filed not later than March 30, 1988. In accordance with the provisions of § 1.419, an original and five copies of all statements, briefs, comments, or replies shall be filed with the Federal Communications Commission, Washington, DC, 20054, and all such filings will be available for public inspection in the Docket Reference Room at the Commission's Washington, DC office. In addition, two copies of each pleading should be filed with the Policy and Program Planning Division, Common Carrier Bureau, 1919 M Street NW., Washington, DC 20554. A copy of all filings should also be sent to the Commission's contractor for public records duplication, International Transcription Service, Inc., 2100 M Street NW., Suite 140, Washington, DC 20037, (202) 857–3800. In reaching its decision, the Commission may consider information and ideas not contained in filings, provide that such information is reduced to writing and placed in the public file, and provided that the fact of the Commission's reliance on any such information or ideas is noted in the Order.

14. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are

[5] MTS and WATS Market Structure, Notice of Proposed Rulemaking, 49 FR 50,413 (1984).

[6] WATS-Related and Other Amendments of Part 69 of the Commission's Rules, CC Docket No. 86–1, FCC 87–362 (released Dec. 15, 1987).

permitted except during the Sunshine Agenda period. *See generally* § 1.1206(a). The Sunshine Agenda period is the period of time which commences with the release of a public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission (1) releases the text of a decision or order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. Section 1.1202(f). During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically requested by Commission or staff for the clarification or adduction of evidence or the resolution of issues in the proceeding. Section 1.1203.

15. In general, an *ex parte* presentation is any presentation directed to the merits or outcome of the proceeding made to decision-making personnel which (1) if written, is not served on the parties to the proceeding, or (2) if oral, is made without advance notice to the parties to the proceeding and without opportunity for them to be present. Section 1.1202(b). Any person who submits a written *ex parte* presentation must provide on the same day it is submitted a copy of same to the Commission's Secretary for inclusion in the public record. Any person who makes an oral *ex parte* presentation that presents data or arguments not already reflected in that person's previously-filed written comments, memoranda, or filings in the proceeding must provide on the day of the oral presentation a written memorandum to the Secretary (with a copy to the Commission or staff member involved) which summarizes the data and arguments. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. Section 1.1206.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-29813 Filed 12-29-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-563, RM-6078]

Radio Broadcasting Services; Dyersbury, Tennessee; Jonesboro, Hoxie, and Newport, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Dr Pepper Pepsi-Cola Bottling Company of Dyersbury, Inc., proposing the substitution of Class C2 Channel 261 for Channel 261A at Dyersburg, as that community's first wide coverage area FM station. The proposal requires a site restriction of 18.8 kilometers (11.7 miles) northwest of Dyersburg. In order to accomplish the substitution at Dyersburg, substitutions must also be made at Jonesboro, Arkansas, Channel 262A for 261A (Station KDEZ(RM)); Newport, Arkansas, Channel 264A for 288A (Station KOKR(FM)); and at Hoxie, Arkansas, Channel 287A for 263A, where there is an outstanding construction permit.

DATES: Comments must be filed on or before February 8, 1988, and reply comments on or before February 23, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Edward S. O'Neill, Esquire, Peggy Kobacker Shiffrin, Esquire, Bryan, Cave, McPheeters and McRoberts, Suite 1000, 1015 Fifteenth Street NW., Washington, DC 20005 (Counsels for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-563, adopted December 2, 1987, and released December 18, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-29814 Filed 12-29-87; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Schedule for Awarding Executive Service; Performance Awards (Bonuses)

AGENCY: ACTION.

ACTION: Notice.

SUMMARY: ACTION hereby amends its schedule for awarding Senior Executive Service Bonuses.

FOR FURTHER INFORMATION CONTACT: Phyllis D. Beaulieu, Director of Personnel, ACTION, 806 Connecticut Avenue, NW., Washington, DC 20525.

SUPPLEMENTARY INFORMATION: Office of Personnel Management Guidelines require that each agency publish a notice in the **Federal Register** of the agency's schedule for awarding Senior Executive Service Bonuses at least 14 days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses

ACTION intends to award Senior Executive Service Bonuses for the 1986–1987 rating cycle. Payouts will occur on or about January 18, 1988. Issued in Washington, DC on December 23, 1987.

Donna M. Alvardo,

Director, ACTION.

[FR Doc. 87–29907 Filed 12–29–87; 8:45 am]

BILLING CODE 6050–28–M

Performance Review Board; Membership

AGENCY: ACTION.

ACTION: Revision of list of Performance Review Board Postitions.

SUMMARY: ACTION publishes the revised list of positions which comprise the Performance Review Board established by ACTION under the Civil Service Reform Act.

FOR FURTHER INFORMATION CONTACT: Phyllis D. Beaulieu, Director of Personnel, ACTION, 806 Connecticut Avenue, NW., Washington, DC, 20525, (202) 634–9263.

SUPPLEMENTARY INFORMATION: The Civil Service Reform Act of 1978 (CSRA), which created the Senior Executive Service (SES), requries that each agency establish one or more prformance review boards to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the appointing authority concerning the performance of the senior executive.

The positions listed below will serve as members on the ACTION Performance Review Board:

1. Assistant Director for VISTA and Service Learning Programs, Chairman.
2. Associate Director, Domestic and Anti-Poverty Operations.
3. Associate Director, Office of Management and Budget.
4. Executive Officer, Domestic and Anti-Poverty Operations.
5. General Counsel, ACTION.
6. Deputy General Counsel, ACTION.

Issued in Washington, DC, on December 23, 1987.

Donna M. Alvarado,

Director, ACTION.

[FR Doc. 87–29908 Filed 12–29–87; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

December 25, 1987.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

- Agricultural Stabilization and Conservation Service

Farm Storage and Drying Equipment Loan Program-Loan Application and Approval

CCC–185

On occasion

Farms; Businesses or other for-profit; Small businesses or organizations; 5,000 responses; 1,000 hours; not applicable under 3504(h)

Beverly Pritts (202) 447–8374

- Rural Electrification Administration

Request for Release of Lien and/or Approval of Sale

REA 793

On occasion

Small businesses or organizations; 75 responses; 75 hours; not applicable under 3504(h)

David K. Iverson (202) 382–9539

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 87–29920 Filed 12–29–87; 8:45 am]

BILLING CODE 3410–01–M

Forest Service

Intent To Prepare Significant Amendment to Grand Mesa, Uncompahagre and Gunnison National Forests Land and Resource Management Plan

The Department of Agriculture, Forest Service has concluded the major portion of the re-analysis of the Grand Mesa, Uncompahagre and Gunnison National Forests Plan as required by Deputy Assistant Secretary of Agriculture, Douglas W. MacCleery's decision of July 31, 1985. Re-analysis of the Forest Plan has resulted in a decision to prepare a "significant amendment" to the Forest Plan. The Forest Supervisor is now in the process of developing a significant amendment to the Forest Plan. This process also will result in supplementing the Forest Plan Environmental Impact Statement to present additional information requested by Deputy Assistant Secretary MacCleery.

A Notice of Intent to Reanalyze the Forest Plan appeared in the October 3, 1986 **Federal Register**. This Re-analysis of the Forest Plan was prompted by a review of the Chief's decision on an appeal of the EIS and Plan by the Natural Resource Defense Council, and by important changes taking place in demand for wood products from these National Forests. The analysis concentrated on the following issue areas:

1. USDA decision of July 31, 1985;
2. Below cost timber sales;
3. Timber demand; and
4. Aspen management.

The re-analysis has resulted in a determination that there is a need to change the Forest Plan. Needed changes affect the Forests' timber management program with possible effects on the water, wildlife and range resources of these National Forests. The needed changes are "significant changes" according to the guidelines laid down in 36 CFR 219.10 (f). Consequently, a "Significant Amendment" to the Forest Plan is being developed to reflect the changes needed in the Forests' timber management program.

The Forest Supervisor has been communicating with interested and affected members of the public to determine the scope of the needed changes since October 1986. In continuation of this process, the National Forests will hold a series of nine "open houses" to inform the public and encourage public participation in the Forest Plan amendment process. All open houses will be held from 1:00 PM to 8:00 PM, and will take place in the following locations:

1/19/88 Montrose: BLM District Office, 2465 S. Townsend Ave, Montrose, CO,
Norwood: U.S. Forest Service Office, 1760 Grande, Norwood, CO,
1/20/88 Denver: Executive Towers Inn, 1405 Curtis, Denver, CO,
Delta: U.S. Forest Service Office, 2250 Highway 50, Delta, CO,
1/21/88 Grand Junction: Forest Service Office, 764 Horizon Dr., Grand Junction,
Gunnison: U.S. Forest Service Office, 216 N. Colorado, Gunnison, CO,
1/22/88 Paonia: Paonia City Hall, 214 Grande Ave, Paonia, CO.

The draft amendment to the Forest Plan and supplement to the Environmental Impact Statement are expected to be available for public review and comment in April 1988. The final amendment and supplement are scheduled to be completed in September 1988. Gary E. Cargill, Regional Forester, Rocky Mountain Region, is the responsible official.

Date: December 17, 1987.

Raymond J. Evans,

Forest Supervisor.

[FR Doc. 87-29820 Filed 12-29-87; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

Action: Notice of Issuance of an Amended Export Trade Certificate of Review, Application #85-A0015.

Summary: The Department of Commerce has issued an amendment to the export trade certificate of review granted to California Dried Fruit Export Trading Company ("CDFETC") January 27, 1986 (51 FR 3996, January 31, 1986).

FOR FURTHER INFORMATION CONTACT: John E. Stiner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

The export trade certificate of review, Application No. 85-00015, issued January 27, 1986, is amended as follows:

The section captioned "Members" is amended to add "Fresno Cooperative Raisin Growers, Inc.; Madera Raisin Sales Co.; and West Coast Growers and Packers, Inc."

Effective Date: September 28, 1987.

A copy of the certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: December 22, 1987.

John E. Stiner,

Director, Office of Export Trading Company Affairs.

[FR Doc. 87-29832 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-DR-M

[Docket No. 71144-7244]

Foreign Availability Assessment; Isopropyl N-(3-chlorophenyl) carbamate

AGENCY: Export Administration, International Trade Administration.

ACTION: Notice of finding of foreign availability assessment.

SUMMARY: the Office of Foreign Availability (OFA) of Export Administration is required by sections 5 (f) and (h) of the Export Administration Act of 1979, as amended (EAA), to initiate and review claims of foreign availability on items controlled for national security purposes.

OFA has completed an assessment on isopropyl N-(3-chlorophenyl) carbamate, an alkyl carbamate, controlled under ECCN 4707B on the Commodity Control List. Based on such assessment, the Department of Commerce has found foreign availability for this commodity.

FOR FURTHER INFORMATION CONTACT: Jo-Anne A. Jackson, Office of Foreign Availability, Department of Commerce, Telephone: (202) 377-5953.

SUPPLEMENTARY INFORMATION:

Background

The Office of Foreign Availability has completed an assessment on the foreign ability of isopropyl N-(3-chlorophenyl) carbamate. This substance is a synthetic organic agricultural chemical controlled for national security purposes under

ECCN 4707B on the Commodity Control List.

The Office of Foreign Availability has completed its assessement of the availability of the above described chemical from non-U.S. sources and has determined the existence of foreign availability as defined by law.

Therefore, Export Administration will publish regulations removing the national security controls on isopropyl N-(3-chlorophenyl) carbamate. Isopropyl N-(3-chlorophenyl) carbamate will be controlled only for foreign policy reasons and accordingly will be added to the list of chemicals requiring an individual validated license under ECCN 6799G.

If OFA receives substantive new evidence affecting this foreign availability determination, the assessment will be reevaluated. Inquiries concerning the scope of this assessment may be directed to the Office of Foreign Availability at the above adress.

Dated: December 23, 1987.

Irwin M. Pikus,

Director, Office of Foreign Availability.

[FR Doc. 87-29830 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-DT-M

Minority Business Development Agency

Business Development Center Program Applications; Connecticut

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twenve months is estimated at $217,700 for the project performance of June 1, 1988 to May 31, 1989. The MBDC will operate in the Connecticut Standard Metropolitan Statistical Area (SMSA). The first year cost for the MBDC will consist of $217,700 in Federal funds and a minimum of $38,418 in Non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firms proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for applications is February 1, 1988. Applications must be postmarked on or before February 1, 1988.

ADDRESS: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, Room 3720, New York, New York 10278, (212) 264-3262.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director New York Regional Office at (212) 264-3262.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information copies of application kits and applicable regulations can be obtained at the above address.

William R. Fuller,

Regional Director (Deputy), New York Regional Office.

Date: December 22, 1987.

[FR Doc. 87-29845 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-21-M

Business Development Center Program Applications; Nassau-Suffolk Long Island NY

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twelve months estimated at $217,700 for the project performance of June 1, 1988 to May 31, 1989. The MBDC will operate in the Nassau/Suffolk Long Island, N.Y. Standard Metropolitan Statistical Area (SMSA). The first year cost for the MBDC will consist of $217,700 in Federal funds and a minimum of $38,418 in Non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDC supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project

should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for applications is February 1, 1988. Applications must be postmarked on or before February 1, 1988.

ADDRESS: New York Regional Office, Minority Business Development Agency, Jacob K. Javits Federal Building, Room 3720, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director, New York Regional Office at (212) 264–3262.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

William R. Fuller,

Regional Director (Deputy), New York Regional Office.

Date: December 22, 1987.

[FR Doc. 87–29846 Filed 12–29–87; 8:45 am]

BILLING CODE 3510-02-M

National Oceanic and Atmospheric Administration

Evaluation of State/Territorial Coastal Management Programs, Coastal Energy Impact Programs and National Estuarine Research

AGENCY: National Oceanic and Atmospheric Administration, National Oceanic Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Corrected Notice of Availability of Evaluation Findings.

Federal Register Notice Doc. 87–28604, published December 14, 1987, incorrectly lists several states as having recent evaluation findings indicating adherence to their coastal management and estuarine research reserve programs.

Notice is hereby given that the evaluation findings for the California Coastal Management Program indicate that the State did not comply with the provisions of the California Coastal Management Program and the underlying requirements of the CZMA and its implementing regulations. Evaluation findings for the State of Georgia and the Commonwealth of Puerto Rico indicate that they are not adhering to the terms and intent of section 315 of the Coastal Zone Management Act of 1972, as amended, and to the National Estuarine Sanctuary Program Regulations. A copy of the assessment and detailed findings for these programs may be obtained on request from: John H. McLeod, Evaluation Officer, Policy Coordination Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue NW., Washington, DC 20235 (telephone: 202/673–5104).

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: December 22, 1987.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 87–29901 Filed 12–29–87; 8:45 am]

BILLING CODE 3510-08-M

Intent to Evaluate Performance; Correction

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Corrected Notice of Intent to Evaluate.

Notice is hereby given that the National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management will not evaluate the American Samoa Coastal Management during the second quarter of fiscal year 1988, as previously published in the **Federal Register** on December 14, 1987, Doc. 87–28605.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

Date: December 22, 1987.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 87–29902 Filed 12–29–87; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Restraint Levels and Guaranteed Access Levels for Certain Cotton, Man-Made Fiber and Other Vegetable Fiber, Textile Products from Jamaica, Effective on January 1, 1988

December 24, 1987.

The Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information, contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, man-made fiber and other vegetable fiber textiles and textile products, produced or manufactured in Jamaica and exported during 1988, in excess of the designated twelve-month levels.

In addition, the Commissioner is also directed to establish guaranteed access levels for certain properly certified cotton, man-made fiber and other vegetable fiber textiles and textile products which are assembled in Jamaica from fabric formed and cut in the United States and exported during the same twelve-month period.

Background

Under the terms of Section 204 of the Agricultural Act of 1956, as amended, and the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Textile Agreement of August 27, 1986, as amended, between the Governments of the United States and Jamaica, and as translated to the new category system, CITA will establish designated consultation levels for Categories 331/631, 347/348/647/648, 352/652 and 632 and specific limits for Categories 338/339/638/639, 340/640, 341/641, 345/845 and 445/446, produced or manufactured in Jamaica and exported during the agreement year which begins on January 1, 1988 and extends through December 31, 1988. The limit for Categories 341/641 has been adjusted for carryforward used in 1987.

In addition to the designated consultation levels, the bilateral agreement also establishes guaranteed access levels for properly certified

textile products assembled in Jamaica from fabric formed and cut in the United States within Categories 331/631, 338/339/638/639, 340/640, 341/641, 345/845, 347/348/647/648, 349/469, 352/642 and 632, exported from Jamaica during the agreement year which begins on January 1, 1988 and extends through December 31, 1988.

Textile products in Categories 331/631, 338/339/638/639, 340/640, 341/641, 345/845, 347/348/647/648, 349/649, 352/652 and 632 which are exported from Jamaica on or after January 1, 1988, qualifying for the Special Access Program for entry under TSUSA 807.0010, must be accompanied by a properly completed CBI Export Declaration (Form ITA-370P).

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1988).

The letter to the Commissioner and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 24, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 27, 1986, as amended, between the Governments of the United States and Jamaica; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption or withdrawal from warehouse for consumption of cotton, wool, man-made fiber and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Jamaica and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the following designated levels:

Category and Twelve-Month Restraint Level

331/631—350,000 dozen pairs
338/339/638/639—575,000 dozen
340/640—325,000 dozen of which not more than 275,000 dozen shall be in shirts made from fabrics with two of more colors in the warp and/or the filling (Categories 340pt./640pt.—only TSUSA numbers 381.0522, 381.3132, 381.3142, 381.3152, 381.5500, 381.5610, 381.5625, 381.5637, 381.5660, 381.9535, 381.9547 and 381.9550
341/641—388,850 dozen
345/845—100,700 dozen
347/348/647/648—653,000 dozen
352/652—100,000 dozen
445/446—47,470 dozen
632—100,000 dozen pairs

To the extent that trade which now fails in the foregoing categories is within a category limit for the period which began, in the case of Categories 331/631, 338/339/638/639, 340/640 and 347/348/647/648 on September 1, 1986; in the case of Categories 341/641 and 345/845 on January 1, 1987; and in the case of Categories 352/652, 445/446 and 632 on June 1, 1987 and extends through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In accordance with the provisions of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), you are directed to establish guaranteed access levels for properly certified cotton, man-made fiber and other vegetable fiber textile products in the following categories which are assembled in Jamaica from fabric formed and cut in the United States and exported to the United States from Jamaica during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

Category and Guaranteed Access Level

331/631—1,320,000 dozen pairs
338/339/638/639—795,000 dozen
340/640—200,000 dozen
341/641—200,000 dozen
345/845—50,000 dozen
347/348/647/648—1,250,000 dozen
349/649—2,200,000 dozen
352/652—1,350,000 dozen
632—2,000,000 dozen pairs

Any shipment for entry under TSUSA 807.0010 which is not accompanied by a valid and correct certification and CBI Export Declaration in accordance with the provisions of the certification requirements established in the directive of February 19, 1987 shall be denied entry unless the Government of Jamaica authorizes the entry and any charges to the appropriate designated consultation levels or specific limits. Any shipment which is declared as TSUSA 807.0010 but found not to qualify for the Special Access Program may be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for compensation to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29923 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Malaysia

December 24, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port of call (202) 343-6496. For information on embargoes and quota reopenings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States from Malaysia for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Malaysia and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988, in excess of the designated restraint limits.

Background

During consultations held on November 5, 1987 between the Governments of the United States and Malaysia, agreement was reached to further amend their Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement between the Governments of the United States and Malaysia, effected by exchange of notes dated July 1 and 11, 1985, as amended. The agreement, as translated to the new category system, establishes specific limits for cotton,

wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200, 218, 219, 220, 225–227, 300/301, 313–315, 317, 326, 331/631, 333/334/335/835, 336/636, 337/637, 338/339, 340/640, 341/641, 342/642/842, 345, 347/348, 351/651, 363, 369–S, 435, 438–W (women's knit shirts and blouses), 442, 445/446, 604, 613/614/615/617, 634/635, 638/639, 645/646 and 647/648, produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988. The agreement also establishes a group limit for certain cotton and man-made fiber fabric (Categories 218, 219, 220, 225–227, 313, 314, 315, 317, 326 and 613/614/615/617 as a group), with sublimits within the group, and Group II (Categories 201, 222–224, 229, 239, 330, 332, 349, 350, 352–354, 359–262, 369–O, 400–434, 436, 438–O, 440, 443, 444, 447, 448, 459, 464–469, 600–603, 606, 607, 611, 618–622, 624–630, 632, 633, 643, 644, 649, 650, 652–654, 659, 665–670, 831–834, 836, 848, 840 and 843–859, as a group).

A description of the textile categories in terms of T.S.U.S.A. numbers were published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements

Committee for the Implementation of Textile Agreements

December 24, 1987.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated July 1 and 11, 1985, as amended, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following restraint limits:

Category and Twelve-Month Restraint Limit

218, 219, 220, 225–227, 313–315, 317, 326, 613/614/615/617, as a group—70,000,000 square yards equivalent

Sublevels within the group

218—4,500,000 square yards
219—21,800,000 square yards
220—21,600,000 square yards
225—21,800,000 square yards
226—21,800,000 square yards
227—21,800,000 square yards
313—26,000,000 square yards
314—28,000,000 square yards
315—21,800,000 square yards
317—21,800,000 square yards
326—3,000,000 square yards
613/614/615/617—21,800,000 square yards

Other Specific Limits

200—349,800 pounds
300/301—3,710,000 pounds
331/631—1,155,405 dozen pairs
333/334/335/835—132,500 dozen of which not more than 66,250 dozen shall be in Category 333, not more than 66,250 dozen shall be in Category 334, not more than 66,250 dozen shall be in Category 335 and not more than 66,250 dozen shall be in Category 835
336/636—245,002 dozen
337/637—213,484 dozen
338/339—607,418 dozen
340/640—742,901 dozen
341/641—962,627 dozen of which not more than 343,489 dozen shall be in Category 341
342/642/842—230,618 dozen
345—88,433 dozen
347/348—248,744 dozen
351/651—143,100 dozen
363—4,240,000 numbers
369–S [1]—1,012,364 pounds
435—13,847 dozen
438–W [2]—11,333 dozen
442—16,877 dozen
445/446—26,788 dozen
604—1,626,753 pounds
634/635—449,379 dozen of which not more than 196,100 dozen shall be in Category 635
638/639—264,719 dozen
645/646—202,473 dozen
647/648—952,813 dozen of which not more than 666,969 dozen shall be in Category 647–K [3] and not more than 666,969 dozen shall be in Category 648–K [4]

Group II

201, 222–224 229, 239, 330, 332, 349, 350, 352–354, 359–362, 369–O [5], 400–434, 436, 438–O [6], 440, 443, 444, 447, 448, 459, 464–469, 600–603, 606, 607, 611, 618–622, 624–630, 632, 633, 643, 644, 649, 650, 652–654, 659, 665–670, 831–834, 836, 838, 840 and 843–859, as a group—28,317,367 square yards equivalent

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the limits set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of July 1 and 11, 1985, as amended, between the Governments of the United States and Malaysia which provide, in part, that: (1) specific limits or sublimits may be exceeded by not more than 5 percent, provided a corresponding reduction in equivalent square yards is made in one or more other specific limits during the same agreement year; (2) specific limits may be adjusted for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

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[1] In Category 369–S, only TSUSA number 366.2840.

[2] In Category 438–W, only TSUSA numbers 384.1309, 384.2711, 384.5434, 384.5910, 384.6310, 384.7724 and 384.9640.

[3] In Category 647–K, only TSUSA numbers 381.2350, 381.2370, 381.2859, 381.6679, 381.8531, 381.8730, 381.8815, 381.8835, 381.8840, 381.9234, 384.1926, 384.2010, 384.2040, 384.8241, 384.8256, and 384.8262.

[4] In Category 648–K, only TSUSA numbers 384.1927, 384.1929, 384.1950, 384.2015, 384.2017, 384.2030, 384.2050, 384.2267, 384.2722, 384.5482, 384.7756, 384.8242, 384.8244, 384.8245, 384.8247, 384.8258, 384.8263, 384.8265, 384.8682 and 791.7458.

[5] In Category 369–O, all TSUSA numbers except 366.2840.

[6] In Category 438–O, all TSUSA numbers except 384.1309, 384.2711, 384.5434, 384.5910, 384.6310, 384.7724 and 384.9640.

Sincerely,

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29925 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Republic of Singapore

December 24, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 535-6736. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, or certain cotton, wool and man-made fiber textiles and textile products in Groups I and II and which are in excess of the designated limits.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 31 and June 5, 1986, as amended, between the Governments of the United States and Singapore, and as translated to the new category system, establishes specific limits for cotton, wool and man-made fiber textile products in Categories 239, 331, 334, 335, 337, 338/339, 340, 341, 342, 347/348, 435, 604, 631, 634, 635, 638, 639, 640, 641, 645/646, 647 and 648 in Group I, produced or manufactured in Singapore and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988. The agreement also include a Group II limit for cotton, wool and man-made fiber textile products in Categories 200-229, 300/301, 313-330, 332, 333/633, 336, 345, 349, 350, 351/651, 352/652, 353/354/653/654, 359-369, 400-434, 436, 442-444, 445/446, 447, 448, 459-469, 600-603, 606, 607, 611-630, 632, 636, 637, 642-644, 649, 650, parts of 659, 665-670 and individual categories within the group, produced or manufactured in Singapore and exported during the twelve-month period which begins on January 1, 1988 and extends through December 31, 1988.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 24, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated May 31 and June 5, 1986, as amended, between the Governments of the United States and Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Singapore and exported during the twelve-month period beginning on January 1, 1988 and extending through December 31, 1988, in excess of the following levels of restraint:

Category and Twelve-Month Restraint Limit

Group I

239—725,000 pounds
331—324,480 dozen pairs
334—54,262 dozen
335—163,223 dozen
337—62,733 dozen
338/339—814,449 dozen of which not more than 475,971 dozen shall be in Category 338 and not more than 529,220 dozen shall be in Category 339
340—569,993 dozen
341—143,325 dozen
342—88,200 dozen
347/348—763,848 dozen of which not more than 477,405 dozen shall be in Category 347 and not more than 371,315 dozen shall be in Category 348
435—6,200 dozen
604—1,506,478 pounds
631—330,750 dozen pairs
634—207,166 dozen
635—212,000 dozen
638—760,883 dozen
639—2,863,220 dozen
640—121,517 dozen
641—198,208 dozen
645/646—116,699 dozen
647—410,000 dozen
648—1,392,125 dozen

Group II

200-229, 300/301, 313-330, 332, 333/633, 336, 345, 349, 350, 351/651, 352/652, 353/354/653/654, 359-369, 400-434, 436, 442-444, 445/446, 447, 448, 459-469, 600-603, 606, 607, 611-630, 632, 636, 637, 642-644, 649, 650, 659-S [1], 659-V [2], 659-O [3] 665-670, as a group—45,000,000 square yards equivalent

Sublevels Within Group II

200—555,556 pounds
201—571,429 pounds
218—2,000,000 square yards
219—2,000,000 square yards
220—2,000,000 square yards
222—373,134 pounds
223—263,158 pounds
224—2,000,000 square yards
225—2,000,000 square yards
226—2,000,000 square yards
227—2,000,000 square yards
229—270,270 pounds
300/301—434,783 pounds
313—2,000,000 square yards
314—2,000,000 square yards
315—2,000,000 square yards
317—2,000,000 square yards
326—2,000,000 square yards
330—1,176,471 dozen
332—434,783 dozen pairs

[1] In Category 659-S, only TSUSA numbers 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353.

[2] In Category 659-V, only TSUSA numbers 381.2836, 381.3332, 381.9224, 381.9837, 384.2250, 384.2251, 384.2663, 384.2664, 384.8677, 384.9472 and 384.9473.

[3] In Category 659-O, all TSUSA numbers except 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 (659-S); 381.2836, 381.3332, 381.9224, 381.9837, 384.2250, 384.2251, 384.2663, 384.2664, 384.8677, 384.9472 and 384.9473 (659-V).

333/633—41,500 dozen
336—70,000 dozen
345—54,348 dozen
349—416,667 dozen
350—39,216 dozen
351/651—38,462 dozen
352/652—148,148 dozen
353/354/653/654—48,426 dozen
359—434,783 pounds
360—1,818,182 numbers
361—322,581 numbers
362—289,855 numbers
363—4,000,000 numbers
369—434,783 pounds
400—75,000 pounds
410—150,000 square yards
414—100,000 pounds
431—71,429 dozen pairs
432—53,571 dozen pairs
433—4,167 dozen
434—6,000 dozen
436—3,049 dozen
442—10,000 dozen
443—33,336 numbers
444—33,336 numbers
445/446—20,000 dozen
447—8,333 dozen
448—8,333 dozen
459—75,000 pounds
464—115,385 pounds
465—1,500,000 square feet
469—75,000 pounds
600—571,429 pounds
603—588,235 pounds
606—183,486 pounds
607—571,429 pounds
611—2,000,000 square yards
613—2,000,000 square yards
614—2,000,000 square yards
615—2,000,000 square yards
617—2,000,000 square yards
618—2,000,000 square yards
619—2,000,000 square yards
620—2,000,000 square yards
621—256,410 pounds
622—2,000,000 square yards
624—2,000,000 square yards
625—2,000,000 square yards
626—2,000,000 square yards
627—2,000,000 square yards
628—2,000,000 square yards
629—2,000,000 square yards
630—1,176,471 dozen
632—434,783 dozen pairs
636—140,000 dozen
637—93,897 dozen
642—175,570 dozen
643—444,444 numbers
644—444,444 numbers
649—416,667 dozen
650—39,216 dozen
659-S—320,000 pounds
659-V—320,000 pounds
659-O—320,000 pounds
665—20,000,000 square feet
666—256,410 pounds
669—256,410 pounds
670—1,000,000 pounds

To the extent that trade which now falls in the foregoing categories is within a category limit for the period January 1, 1987 through December 31, 1987, such trade, to the extent of any unfilled balances, shall be charged against the levels of restraint established for such goods during that period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

Imports in categories 352/652 shall be converted to square yard equivalent at the rate of 13.5 square yards equivalent per dozen.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement, effected by exchange of notes dated May 31 and June 5, 1986, as amended, between the Governments of the United States and the Republic of Singapore, which provide, in part, that: (1) Specific limits may be exceeded by certain designated percentages; (2) specific limits may be increased by carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustment under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-29924 Filed 12-29-87; 8:45 am]

BILLING CODE 3510-DR-M

Textile and Apparel Categories; Changes in Visa Arrangements To Coincide With the Onset of the New Category System

December 24, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 1, 1988. For further information contact Kathy Davis, International Trade Specialist, Office of Textiles & Apparel, United States Department of Commerce, (202) 377-4212.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to change the visa requirements for certain cotton, wool, man-made fiber, vegetable fiber other than cotton, and silk blend textiles and textile products to conform with the new categtory system. The letter contains both a general section, applicable to all countries, and a country specific section, for visa changes by country, that are not generally applicable.

Background

Pursuant to its authority under Section 204 of the Agricultural Act of 1956, as amended, CITA is amending the visa requirements for imports to the United States of certain cotton, wool, man-made fiber, vegetable fiber, other than cotton, and silk blend textiles and textile products. These changes will be effective for products exported to the United States on and after January 1, 1988. These changes are due to the new category system, or coincide with the advent of that new system (see 52 FR 47745 of December 16, 1987).

Interested persons are advised to take all necessary steps to ensure that cotton, wool, man-made fiber, vegetable fiber, other than cotton, and silk blend textiles and textile products that are affected by the changes in the accompanying letter to the Commissioner of Customs, that are exported on and after January 1, 1988, and are to be entered or withdrawn from warehouse for consumption in the United States, will meet the requirements set forth in the notice.

William J. Dulka,

Acting Chairman, Committee for the Implementation of Textile Agreements.

BILLING CODE 3510-DR-M

UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington D C 20230

December 24, 1987

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner:

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to make the changes shown below in the current visa requirements with all countries with which visa arrangements are in place, effective for goods exported to the United States from the respective countries of origin on and after January 1, 1988.

GENERAL SECTION:

For all countries, the following categories and part categories will no longer be valid, nor will any part categories within these categories and part categories, nor will any combined whole and/or part category combinations that include these be valid.

310, 311, 312, 316, 317-S 1/, 317-T 2/, 318, 319, 320, 359-I 3/, 369-W 4/, 411, 425, 429, 601, 602, 605, 610, 612, 614-W 5/, 614-P 6/, 659-I 7/, 669-F 8/

For all countries for which there is a correct category visa requirement, and for which a visa is currently required for shipments of cotton, wool and man-made fiber textiles and textile products in categories 300-369, 400-469, and 600-669 (or 600-670, as applicable), the following new categories will be required.

200, 201, 218, 219, 220, 222, 223, 224, 225, 226, 227, 229, 239, 326, 414, 606, 607, 615, 617, 618, 619, 620, 621, 622, 624, 628, and 629

For all countries, part and/or combined category visa requirements, if not addressed in either the General or the Country Specific Sections of this letter, remain unchanged.

1/ In Category 317-S, only TSUSA numbers 320.— through 331.—, with statistical suffixes 50, 87 and 93.
2/ In Category 317-T, only TSUSA numbers 320.— through 331.—, with statistical suffixes 51, 52, 83, 85, 89, 91 and 95.
3/ In Category 359-I, only TSUSA numbers 384.0439, 384.0441, 384.0442, 384.0444, 384.0805, 384.0810, 384.0815, 384.0820, 384.0825, 384.5162, 384.5163, 384.5167, 384.5169, 384.5172, 384.3451, 384.3452, 384.3453 and 384.3454.
4/ In Category 369-W, only TSUSA number 303.2040.
5/ In Category 614-W, only TSUSA numbers 338.1000, 338.1505, 338.1508, 338.1511, 338.1525, 338.1528, 338.1531, 338.1552, 338.1554, 338.1556, 338.1558, 338.1562, 338.1564, 338.1568 and 338.1572.
6/ In Category 614-P, only TSUSA numbers 338.5040, 338.5045, 338.5051, 338.5056, 338.5061, 338.5065, 338.5069, 338.5072, 338.5075, 338.5079, 338.5084, 338.5087, 338.5092, 338.5095 and 338.5098.
7/ In Category 659-I, only TSUSA numbers 384.2105, 384.2115, 384.2120, 384.2125, 384.2646, 384.2647, 384.2648, 384.2649, 384.2652, 384.8651, 384.8652, 384.8653, 384.8654, 384.9356, 384.9357, 384.9358, 384.9359 and 384.9365.
8/ In Category 669-F, only TSUSA numbers 355.4520 and 355.4530.

COUNTRY SPECIFIC SECTION:

For the following countries, the changes listed have not been addressed by the General Section above. Where the coverage of a specific country visa system is unique, whether changed or not, the category coverage to be effective for exports on and after January 1, 1988 is also listed in this section. Part and/or combined category visa requirements, if not already addressed in the General Section, and if not addressed in the Country Specific Section, remain unchanged.

BRAZIL:
There is still no correct category requirement, but coverage now includes the 200 series categories. Total coverage, then, becomes 200-239, 300-369 and 600-669.

CHINA:
The following new combined categories will be valid:

317/326	(will be valid for all products in 317/326, except those in 326, which must have a 326 visa)
338/339	(will be valid for products in categories 338/339, except for those in 338-S/339-S 1/)
338-S/339-S	(will be required)
638/639	

The following new part categories will be required:

341-Y 2/	(category 341 will be valid for all products within category 341, except those in 341-Y)
410-A 3/	
410-B 4/	
440-M 5/	(category 440 will be valid for all products within category 440, except those in 440-M)

Because part category 317-S will no longer be valid, part category 317-O will no longer be valid. All products in category 317 will require either a 317/326 visa, or a 317 visa.

Because part category 359-I will no longer be valid, part category 359-O 6/ becomes all TSUSA numbers in category 359 except those in part categories 359-C and 359-V

Because part category 600-Y will no longer be valid, 600-O will no longer be valid. All products in category 600 will require a whole category 600 visa.

Because part category 659-I will no longer be valid, part category 659-O 7/ becomes all TSUSA numbers in category 659 except those in part categories 659-C, 659-H, and 659-S.

The following part categories will no longer be valid:
338-X
338-O
613-C
613-R
613-O

1/ In Category 338-S/339-S only TSUSA numbers 381.0240, 381.0425, 381.3516, 381.4020, 381.4130, 381.4337, 381.6610, 381.8506, 381.9924, 384.0216, 384.0223, 384.0229, 384.0232, 384.2818, 384.2930, 384.2970 and 384.3437 in Category 338; and 384.0212, 384.0214, 384.0217, 384.0225, 384.0227, 384.0230, 384.0231, 384.0233, 384.0235, 384.0330, 384.0461, 384.2704, 384.2815 384.2816, 384.2821, 384.2934, 384.2935, 384.2950, 384.2980, 384.3439, 384.3441, 384.3462, 384.5404, 384.7704 and 384.9517 in Category 339.

2/ In Category 341-Y only TSUSA numbers 384.0505, 384.0511, 384.0512, 384.4608, 384.4610, 384.4612 and 384.4788.

3/ In Category 410-A only TSUSA numbers 335.5500, 336.1505, 336.1540, 336.5000, 336.6210, 336.6270, 336.6275, 336.6410, 336.6470, 336.6475, 337.5030, 337.5055, 337.5090, 337.5500, 339.0500, 363.1500 and 363.7000.

4/ In Category 410-B only TSUSA numbers 336.1000, 336.1510, 336.2000, 336.2500, 336.3000, 336.3500, 336.4000, 336.5500, 336.6205, 336.6260, 336.6265, 336.6405, 336.6460, 336.6465 and 377.5080.

5/ In Category 440-M only TSUSA numbers 381.1730, 381.3532, 381.6942, 381.7830, 381.8340, 381.8646, 381.9948, 384.1515, 384.6505 and 384.7010.

6/ In category 359-O all TSUSA numbers except 381.0822, 381.6510, 384.0928, 384.5222 (359-C), 381.0258, 381.0554, 381.3949, 381.5800, 381.5920, 384.0451, 384.4300, 384.4421, 384.4422, 384.0648, 384.0650, 384.0651, 384.3449 and 384.3450 (359-V)

7/ In category 659-O all TSUSA numbers except 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, 384.9310 (659-C), 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640, 703.1650 (659-H), 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 (659-S)

HONG KONG:
The following new combined categories will be valid:
225/317/326
226/313

For Hong Kong, with the exception of made-to-measure suits of wool, man-made fiber, silk blend and vegetable fibers other than cotton, not accompanying the traveller, all textile and apparel products including bona fide gifts valued at U.S.$50 or less, shipped for the personal use of the importer, and not for resale, regardless of value; and properly marked commercial sample shipments valued at U.S.$250 or less, shall not be subject to visa requirements. Made-to-measure suits of wool, man-made fiber, silk blend and vegetable fibers, other than cotton, not accompanying the traveller, will require the following visas: 443/643/843(1) or 444/644/844(1)

INDONESIA:
The following new combined categories will be valid:
317/326/617
338/339
613/614/615
625/626
638/639

INDIA:
The following part category is amended:
341-Y 1/

1/ In Category 341-Y, only TSUSA numbers 384.0505, 384.0511, 384.0512, 384.4608, 384.4610, 384.4612 and 384.4788.

JAPAN:
There is still no correct category requirement, but coverage now includes the 200 series categories. Total coverage, then, becomes 200-239, 300-369, 400-469, 600-670, and 800-899

KOREA:
The following new combined categories will be valid:
317/326
613/614
619/620
625-629 (for combined categories 625/626/627/628/629)

The following new part categories will be required:
229-F 1/
229-O 2/

Because part category 669-F will no longer be valid, the coverage of category 669-O 3/ becomes all TSUSA numbers in category 669 except those in part categories 669-P, 669-T and 669-C

Part Categories 640-DO 4/, 640-DY 5/, 640-OO 6/, 640-OY 7/, 641-Y 8/ and 641-O 9/ are amended.

1/ In Category 229-F, only TSUSA numbers 355.4520 and 355.4530.
2/ In Category 229-O, all TSUSA numbers except 355.4520 and 355.4530.
3/ In Category 669-O, all TSUSA numbers except 385.5300 in Category 669-P; 386.1105 and 389.6210 in Category 669-T; and 348.0065, 348.0075, 348.0565 and 348.0575 in Category 669-C.
4/ In Category 640-DO, only TSUSA numbers 381.3134, 381.3558, 381.6972, 381.8666, 381.9540 and 381.9968.
5/ In Category 640-DY, only TSUSA numbers 381.3132 and 381.9535.
6/ In Category 640-OO, only TSUSA numbers 381.3144, 381.3154, 381.3333, 381.9305, 381.9400, 381.9549, 381.9844, 384.2313 and 384.9127.
7/ In Category 640-OY, only TSUSA numbers 381.3142, 381.3152, 381.9547, 381.9550 and 384.2306.
8/ In Category 641-Y, only TSUSA numbers 384.2302, 384.2304, 384.2307, 384.9110 and 384.9120.
9/ In Category 641-O, all TSUSA numbers in Category 641 except 384.2302, 384.2304, 384.2307, 384.9110 and 384.9120.

Because part category 614-W will no longer be valid, 614-O will no longer be valid, and only whole category 614 visas will be accepted for 1988 exports in category 614.

MALAYSIA:
The following new combined categories will be valid:
613/614/615/617
331/631
336/636

Because part category 369-W will no longer be valid, 369-O 1/ becomes all TSUSA numbers in category 369 except those in 369-S.

1/ In Category 369-O, all TSUSA numbers except 366.2840 in Category 369-S.

Because part category 317-S will no longer be valid, 317-O will no longer be valid. All products in category 317 will require a whole category 317 visa.

MEXICO:
Excludes cotton balls in category 223 (only TSUSA number 355.0200).

The following new combined categories will be valid:
300/301
336/636
337/637
338/339/638/639
340/640
341/641 1/ (for cotton and man-made fiber not knit blouses except those in 341-Y/641-Y)
341-Y/641-Y 2/ (for cotton and man-made fiber blouses made with two or more colors in the warp and/or the filling)
342/642
349/649
352/652

The following new part categories will be required:
359-C 3/
359-O 4/
604-A 5/
604-O 6/
659-C 7/
659-H 8/
659-O 9/

1/ In Category 341/641 all TSUSA numbers except 384.4608, 384.4610, 384.4612, 384.0505, 384.0511, 384.0512, 384.2302, 384.2304, 384.2307, 384.9110, 384.9120 and 384.4788.
2/ In Category 341-Y/641-Y, only TSUSA numbers 384.4608, 384.4610, 384.4612, 384.0505, 384.0511, 384.0512, 384.2302, 384.2304, 384.2307, 384.9110, 384.9120 and 384.4788.
3/ In Category 359-C, only TSUSA numbers 381.0822, 381.6510, 384.0928 and 384.5222.
4/ In Category 359-O, all TSUSA numbers except 381.0822, 381.6510, 384.0928 and 384.5222.
5/ In Category 604-A, only TSUSA numbers 310.5049 and 310.6045.

6/ In Category 604-O, all TSUSA numbers except 310.5049 and 310.6045.
7/ In Category 659-C, only TSUSA numbers 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310.
8/ In Category 659-H, only TSUSA numbers 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650.
9/ In Category 659-O, all TSUSA numbers except 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607, 384.9310 in Category 659-C; and 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650 in Category 659-H.

PAKISTAN:
The following new combined categories will be valid:
633/833
645/646/845/846
642/842
643/843
644/844
650/850
651/851
652/852

The following part categories will no longer be valid:
613-B 1/
613-S 2/
613-P 3/
613-O 4/

1/ In Category 613-B, only TSUSA numbers 338.5039, 338.5042, 338.5047, 338.5053, 338.5058, 338.5059, 338.5060, 338.5067, 338.5081 and 338.5089.
2/ In Category 613-S, only TSUSA numbers 338.5043, 338.5044, 338.5054, 338.5055, 338.5077, 338.5078, 338.5082 and 338.5083.
3/ In Category 613-P, only TSUSA numbers 338.5048, 338.5049 and 338.5050.
4/ In Category 613-O, all TSUSA numbers except those in footnotes 1/, 2/ and 3/ above.

PERU:
The following new combined categories will be valid:
226/313
338/339 (for products in 338/339 other than 338-S 1/ and 339-S 2/)
317/326 (for products in 317/326 other than 326)

1/ In Category 338-S, only TSUSA numbers 381.0240, 381.0425, 381.3516, 381.4020, 381.4130, 381.4337, 381.6610, 381.8506, 381.9924, 384.0216, 384.0223, 384.0229, 384.0232, 384.2818, 384.2930, 384.2970 and 384.3437.

2/ In Category 339-S, only TSUSA numbers 384.0212, 384.0214, 384.0217, 384.0225, 384.0227, 384.0230, 384.0231, 384.0233, 384.0235, 384.0330, 384.0461, 384.2704, 384.2815 384.2816, 384.2821, 384.2934, 384.2935, 384.2950, 384.2980, 384.3439, 384.3441, 384.3462, 384.5404, 384.7704 and 384.9517.

The following part categories will be required:
338-S
339-S

PHILIPPINES
Because 359-I will no longer be valid, 359-O will no longer be valid, and all products in 359 will require a whole category 359 visa. Because 659-I will no longer be valid, 659-O 1/ will become all TSUSA numbers in category 659 other than those in 659-H. Category 640-Y 2/ is amended.

1/ In Category 659-O, all TSUSA numbers except 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650.
2/ In Category 640-Y only TSUSA numbers 381.3132, 381.3142, 381.3152, 381.9535, 381.9547, 381.550 and 384.2306.

ROMANIA:
The following new combined categories will be valid:
335/835
341/840

SINGAPORE:
The following new combined categories will be valid:
300/301
333/633
351/651
352/652
353/354/653/654
445/446
645/646

Because category 659-I will no longer be valid, category 659-O 1/ becomes all TSUSA numbers in category 659 except those in 659-S and 659-V.

1/ In Category 659-O, all TSUSA numbers except 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 in Category 659-S; and 381.2836, 381.3332, 381.9224, 381.9837, 384.2250, 384.2251, 384.2663, 384.2664, 384.8677, 384.9472 and 384.9473 in Category 659-V.

TAIWAN:
The following new combined categories will be valid:
225/317/326
613/614/615/617
619/620
625/626/627/628/629

The following new part categories will be required:
229-F 1/
229-O 2/

The following part categories, in addition to those in the General Section, will no longer be valid:
670-U
670-A
670-T

Because 359-I will no longer be valid, 359-O 3/ becomes all TSUSA numbers in category 359 except those in part categories 359-C, 359-H and 359-V.

Because 614-P will no longer be valid, 614-O will no longer be valid, and all products in category 614 must have a whole category 614 visa.

Because 659-I will no longer be valid, 659-O 4/ becomes all TSUSA numbers in category 659 except those in part categories 659-B, 659-C, 659-H, and 659-S.

Because 669-F will no longer be valid, 669-O 5/ becomes all TSUSA numbers in category 669 except those in part categories 669-P and 669-T.

Because 670-A will no longer be valid, 670-H 6/ becomes all handbags in category 670.

Because 670-T will no longer be valid, 670-F 7/ becomes all flatgoods in category 670.

Because 670-U will no longer be valid, 670-L 8/ becomes all luggage in category 670.

Part Categories 640-Y 9/, 640-O 10/, 641-Y 11/ and 641-O 12/ are amended.

1/ In Category 229-F only TSUSA numbers 355.4520 and 355.4530.
2/ In Category 229-O, all TSUSA numbers except 355.4520 and 355.4530.

3/ In Category 359-O, all TSUSA numbers except 702.0600 and 702.1200 in Category 359-H; 381.0258, 381.0554, 381.3949, 381.5800, 381.5920, 384.0451, 384.4300, 384.4421, 384.4422, 384.0648, 384.0650, 384.0651, 384.3449 and 384.3450 in Category 359-V; and 381.0822, 381.6510, 384.0928 and 384.5222 in Category 359-C.
4/ In Category 659-O, all TSUSA numbers except 384.1815 and 384.8022 in Category 659-B; 381.3325, 381.9805, 384.2205, 384.2530, 384.8606, 384.8607 and 384.9310 in Category 659-C; 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560, 703.1000, 703.1610, 703.1620, 703.1630, 703.1640 and 703.1650 in Category 659-H; and 381.2340, 381.3170, 381.9100, 381.9570, 384.1700, 384.2339, 384.8300, 384.8400 and 384.9353 in Category 659-C.
5/ In Category 669-O, all TSUSA numbers except 386.1105 and 389.6210 in Category 669-T; and 385.5300 in Category 669-P
6/ In Category 670-H, only TSUSA numbers 706.4125 and 706.3405.
7/ In Category 670-F, only TSUSA numbers 706.3900 and 706.3425.
8/ In Category 670-L, only TSUSA numbers 706.3415, 706.4130 and 706.4135.
9/ In Category 640-Y, only TSUSA numbers 381.3132, 381.3142, 381.3152, 381.9535, 381.9547, 381.550 and 384.2306.
10/ In Category 640-O, all TSUSA numbers except 381.3132, 381.3142, 381.3152, 381.9535, 381.9547, 381.550 and 384.2306.
11/ In Category 641-Y, only TSUSA numbers 384.2302, 384.2304, 384.2307, 384.9110 and 384.9120.
12/ In Category 641-O, all TSUSA numbers except 384.2302, 384.2304, 384.2307, 384.9110 and 384.9120.

THAILAND:
The following new combined categories will be valid:
334/335
342/642

Combined category 333/334 shall no longer be valid:

The following new part categories shall be required:
301-P 1/
301-O 2/
669-P 3/

1/ In Category 301-P, only TSUSA numbers 300.6025, 300.6027 and 300.6028.
2/ In Category 301-O, all TSUSA numbers except 300.6025, 300.6027 and 300.6028.
3/ In Category 669-P, only TSUSA number 385.5300.

Products in category 669 other than those in 669-P shall be visaed as category 669.

TURKEY:
The complete list of whole, combined and part categories, which shall be subject to the visa system with Turkey, for goods exported on and after January 1, 1988, is as follows:

200, 219, 300/301, 313, 317/326 (for products in 317/326 other than 326), 326, 335, 337, 339, 340/640 (for products in 340/640 other than those in
340-Y/640-Y 1/), 340-Y/640-Y, 341 (for products in 341 other than those in 341-Y), 341-Y, 347 (for products in 347 other than those in 347-T 2/), 347-T, 348 (for products in 348 other than those in 348-T 3/), 348-T, 350, 361,
369-S 4/ and 604.

Part Category 341-Y 5/ is amended.

1/ In Category 340-Y/640-Y, only TSUSA numbers 381.0522, 381.5637, 381.5610, 381.5625, 381.5660 and 381.5500 in Category 340; and 381.3132, 381.3142, 381.3152, 381.9535, 381.9547, 381.9550 and 384.2306 in Category 640.
2/ In Category 347-T, all TSUSA numbers except 381.0530, 381.6210, 384.0738, 384.3122 and 384.4720.
3/ In Category 348-T, all TSUSA numbers except 384.0739, 384.0741, 384.3123, 384.3125, 384.4723, 384.4724.
4/ In Category 369-S, only TSUSA number 366.2840.
5/ In Category 341-Y, only TSUSA numbers 384.0505, 384.0511, 384.0512, 384.4608, 384.4610, 384.4612 and 384.4788.
Of the categories above, 200, 219, 337, 347 and whole category 604 are new to coverage under the visa arrangement with Turkey.

No longer valid will be categories 604-A, 604-O, 605-H, 317-S, 319

YUGOSLAVIA:
The complete list of whole, combined and part categories will be subject to the visa system with Yugoslavia, for goods exported on and after January 1, 1988, is as follows:
340/640, 341/641, 433, 434, 435, 442, 443/643, 444, 447/448, 604-A 1/, 645/646 and 666

1/ In Category 604-A, only TSUSA numbers 310.5049 and 310.6045.

A description of the textile categories in terms of T.S.U.S.A. numbers is provided in the 1988 TSUSA CORRELATION, available, at a cost of $30.00, from the Office of Textiles and Apparel, Room 3110, U.S. Department of Commerce, Washington, D.C. 20230.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Customs territory of the United States (i.e., the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico).

The actions taken with respect to the Governments of the exporting countries affected by this directive have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

William J. Dulka

William J. Dulka
Acting Chairman, Committee for the
Implementation of Textile Agreements

[FR Doc. 87-29922 Filed 12-28-87; 11:03 am]
BILLING CODE 3510-DR-C

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

December 22, 1987.

The USAF Scientific Advisory Board Ad Hoc Committee on Software Expertise and the Ada Language will meet on January 21, 1988, from 8:00 a.m. to 5:00 p.m. and on January 22, 1988, from 8:00 a.m. to 4:00 p.m. at Headquarters, Aeronautical Systems Division, Building 14, Area B, Wright Patterson Air Force Base, Ohio.

The purpose of this meeting is to receive briefings on and to discuss implementation of the Ada language in current and future Air Force weapon systems.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-29821 Filed 12-29-87; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Education Appeal Board; Applications for Review

AGENCY: Department of Education.

ACTION: Notice of applications for review accepted for hearing by the Education Appeal Board.

SUMMARY: This notice lists the applications for review accepted for hearing by the Education Appeal Board (the Board) between August 11, 1987 and December 2, 1987. The Chairman has prepared a summary of each appeal to help potential intervenors. In addition, the notice explains how interested third parties may intervene in proceedings before the Board.

FOR FURTHER INFORMATION CONTACT: The Honorable Ernest C. Canellos, Chairman, Education Appeal Board, 400 Maryland Avenue, SW. (Room 1065, FOB-6), Washington, DC 20202. Telephone (202) 732-1756.

SUPPLEMENTARY INFORMATION: Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 *et seq.*), the Board has authority to conduct (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education (the Secretary), and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board.

The Secretary has designated the Board as having jurisdiction over appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most grant programs administered by the Department of Education (the Department). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most Department-administered programs that involve (a) a determination that a grant is void, (b) the disapproval of a request for permission to incur an expenditure during the term of a grant, or (c) determinations regarding cost allocation plans or special rates negotiated with specified grantees.

Regulations governing Board jurisdiction and procedures are set forth in 34 CFR Part 78.

Applications Accepted

Appeal of the State of Alabama, Docket No. 16(252)87, ACN: 04-53027.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Services. The underlying audit reviewed programs conducted under Part B of the Education of the Handicapped Act (EHA-B) during fiscal year 1984.

The Assistant Secretary concluded that twelve (12) Local Education Associations budgeted less State and local funds for special education during fiscal year 1984 than had been spent for the same programs during fiscal year 1983, thus violating the non-supplanting provisions of EHA-B.

The Department seeks a refund of $197,650. The State disputes all liability.

Appeal of the State of New York, Docket No. 17(253)87, ACN: 02-50286.

The State appealed a final letter of determination issued by the Acting Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed portions of the Promotional Gates program funded under Chapter 1 of the Education Consolidation and Improvement Act of 1981 administered by the New York State Education Department and implemented by the New York City Board of Education (BOE) during fiscal year 1983.

The Acting Assistant Secretary concluded that the BOE violated the non-supplanting provisions of Chapter 1 and used those funds for programs that were neither described nor included in its funding application to the New York State Education Department.

The Department seeks a refund of $20,643,510. The State disputes all liability.

Appeal of the National League of Cuban American Community-Based Centers (IN), Docket No. 18(254)87, ACN: 05-60307.

The League appealed a final letter of determination issued by the Grants and Contracts Service (GCS). The underlying audit reviewed costs attributed to the operation of its Educational Opportunity Center between July 1, 1982 and June 30, 1985.

GCS determined that the League reported costs that exceeded the actual incurred costs, and failed to maintain appropriate records that would support salary expenditures.

The Department seeks a refund of $69,333. The League disputes all liability.

Appeal of the National League of Cuban American Community-Based Centers (IN), Docket No. 19(255)87, ACN: 05-60308.

The League appealed a final letter of determination issued by the Grants and Contracts Service (GCS). The underlying audit reviewed the Bilingual Vocational Training program conducted between September 1, 1984 and December 31, 1985.

GCS disallowed expenditures attributable to excessive or unapproved salary/fringe benefits, undocumented student training costs and costs reported in excess of costs incurred.

The Department seeks a refund of $16,724. The League disputes all liability.

Appeal of the State of Connecticut, Docket No. 20(256)87, ACN: 01-40107.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Services. The underlying audit reviewed expenditures under part B of the Education of the Handicapped Act (EHA-B) during the fiscal year ending June 30, 1983.

The Assistant Secretary concluded that the State awarded two contracts to the Capitol Region Education Council for services that did not constitute a direct or support service as defined by EHA-B. Additionally, discretionary funds were used for unauthorized equipment purchases and excess indirect costs.

The Department seeks a refund of $161,330. The State concedes $1,200 and disputes liability for the remainder.

Appeal of Glenpool School District (OK), Docket No. 21(257)87, ACN: 06-60500.

The District appealed a final letter of determination issued by the Assistant

Secretary for Elementary and Secondary Education. The underlying audit reviewed programs conducted under Part A of the Indian Education Act between July 1, 1982 and May 8, 1986.

The Assistant Secretary disallowed salary and fringe benefits for two counselors because they constituted a general expense. Costs for printing also were determined to be an unapproved budget expense.

The Department seeks a refund of $164,630. The District disputes all liability.

Appeal of Louisiana State Department of Education, Docket No. 22(258)87, ACN: 06-50070.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Services. The underlying audit reviewed programs funded under Part B of the Education of the Handicapped Act (EHA-B) and Chapter 1 of the Education Consolidation and Improvement Act of 1981 during fiscal years 1981 and 1982.

The Assistant Secretary concluded that the State improperly used EHA-B funds to finance the operating costs of Special School District #1 rather than distributing the funds to eligible local educational agencies in proportion to their respective child counts. Chapter 1 Handicapped Children Program funds were also used to finance a Statewide Regional Review Project that directly benefited children who were ineligible for the use of Chapter 1 funds.

The Department seeks a refund of $1,897,970. The State disputes all liability.

Appeal of the State of Louisiana, Docket No. 23(259)87, ACN: 05-50280.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Service. The underlying audit reviewed programs funded under Part B of the Education of the Handicapped Act between fiscal years 1982 and 1985.

The Assistant Secretary concluded that the State conducted programs that did not directly benefit the handicapped children for whom the funds were granted.

The Department seeks a refund of $912,678. The State disputes all liability.

Appeal of the State of Kentucky, Docket No. 24(260)87, ACN: 04-40070.

The State appealed a final letter of determination issued by the Assistant Secretary for Special Education and Rehabilitative Service. As pertinent, the underlying audit reviewed programs conducted under Part B of the Education of the Handicapped Act (EHA-B) during fiscal years 1980, 1981 and 1983.

The Assistant Secretary concluded that the State failed to obligate EHA-B grant funds within the statutory period of availability, thus violating the provisions of the Tydings Amendment.

The Department seeks a refund of $1,252,959. The State disputes all liability.

Appeal of the State of New York, Docket No. 25(261)87, ACN: 02-60301.

The State appealed a final letter of determination issued by the Assistant Secretary for Elementary and Secondary Education. The underlying audit reviewed programs conducted under Chapter 1 of the Education Consolidation and Improvement Act of 1981 for the period October 1, 1982 through September 30, 1985.

The Assistant Secretary concluded that the State supplanted non-federal funds and violated other provisions of Chapter 1 in providing bilingual and English as a second language programs to students who had limited English speaking skills.

The Department seeks a refund of $1,326,760. The State disputes all liability.

Appeal of the Kickapoo Nation School, Docket No. 26(262)87.

Kickapoo Nation School (Kickapoo) appealed a fiscal year 1987 funding decision of the Office of Bilingual Education and Minority Language Affairs (OBEMLA) to deny a second-year continuation grant under the Bilingual Education Act. The Secretary has designated the Board as the forum for this appeal.

The principal basis for the funding decision was that Kickapoo's second year continuation application failed to meet the applicable statutory and regulatory requirements of a transitional bilingual education program designed to serve Limited English Proficient (LEP) students.

Intervention

Regulations in 34 CFR 78.43 provide that an interested person, group, or agency may file an application to the Board Chairman to intervene in an appeal before the Board.

An application to intervene must indicate to the satisfction of the Board Chairman or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in, and information relevant to, the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

Applications to intervene, or questions, should be addressed to the Board Chairman at the address provided above.

(Catalog of Federal Domestic Assistance No. not applicable).

(20 U.S.C. 1234)

Dated: December 23, 1987.

Peter P. Greer,

Deputy Under Secretary, Intergovernmental and Interagency Affairs.

[FR Doc. 87-29870 Filed 12-29-87; 8:45 am]

BILLING CODE 4000-01-M

Extention of Deadline for Transmittal of Applications for State-Wide Systems Change Projects (CFDA 84.086J) Under Program for Severely Handicapped Children for Fiscal Year 1988

Purpose: On November 18, 1987, the Office of Specical Education Programs (OSEP), published a notice in the **Federal Register** at 52 FR 44330 establishing January 22, 1988 as the deadline for the transmittal of applications for FY 1988 awards under the Program for Severely Handicapped Children. One of the announced priorities, Priority 3: State-Wide Systems Change (CFDA) No. 84.086J, provides funding through grants or cooperative agreements to public or private, nonprofit or profit, organizations or institutions, to conduct programs that meet the specifications published in the **Federal Register** on November 18, 1987 (52 FR 44331).

Because the State-Wide Systems Change priority requires extensive coordination within any given State prior to the submission of an application for competition, the Secretary is extending the deadline date for transmittal of applications to permit potential applicants who are addressing this Priority 3 more time to prepare their applications. Only the deadline date for this Priority 3: State-Wide Systems Change has been changed through this announcement.

Deadline for Transmittal of Applications: March 11, 1988

Applications available: November 18, 1987

Available funds: $950,000

Applicable Regulations: (a) The regulations for the Program for Severely Handicapped Children, 34 CFR Part 315, as amended August 24, 1987 (52 FR 31958); (b) the Education Department General Administrative Regulations, (EDGAR), 34 CFR Parts 74, 75, 77 and 78; and (c) when adopted in final form, the annual funding priority for this program.

For Applications or Information: Severely Handicapped Branch, Division of Educational Services, Office of Special Education Programs, Department of Education, 400 Maryland

Avenue, SW., (Switzer Building, Room 3511–M/S 3409), Washington, DC 20202. Telephone (202) 732–1177.

Program authority: 20 U.S.C. 1424.

Dated: December 24, 1987.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 87–29871 Filed 12–29–87; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Receipt and Financial Settlement Provisions for Nuclear Research Reactor Fuels

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy is amending the provisions of its current policy providing for the receipt and financial settlement of U.S.-origin spent research reactor fuels by extending the date by which it will receive highly enriched uranium (HEU) fuels to December 31, 1988.

FOR FURTHER INFORMATION CONTACT: Louis R. Willett, Office of Nuclear Materials Production, DP–133.2–GTN, U.S. Department of Energy, Washington, DC 20545, 301/353–3968.

SUPPLEMENTARY INFORMATION: On November 9, 1982, the Department of Energy announced in the **Federal Register** that it was extending until December 31, 1987, its policy for the receipt and financial settlement of U.S.-origin spent research reactor fuels (47 FR 50737). It was determined at that time that there was a continued need in the research reactor community for a fuel return capability and that the U.S. interests in limiting worldwide inventories of HEU were served by an extension of the policy. This extension was restated, without change, in a February 1986 **Federal Register** notice that expanded DOE's fuel receipt and financial settlement provisions to include low enriched uranium research reactor fuels (51 FR 5754).

DOE has determined that this need still exists and that once again it is in the best interest of the United States to extend the effective date for the receipt and finanical settlement for HEU research reactor fuels of U.S. origin. The Department has reviewed the policy extension under the National Environmental Policy Act (NEPA) and has found that the extension itself clearly has no significant impact. Exports of or subsequent arrangements involving nuclear materials are reviewed by DOE on a case-by-case basis in accordance with the Guidelines for Implementing Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, and NEPA. In 1987, DOE initiated studies, including a study of the potential cummulative environmental effects, to determine the impact of a 10-year extension of this policy on DOE programs. These studies are ongoing and have identified a number of important issues that must be resolved prior to extending the provisions of this policy for the long term.

To provide for continuation of beneficial research reactor programs and to permit the additional time required for DOE to complete its review of a 10-year extension of this policy, DOE is amending its fuel receipt and financial settlement provisions by extending the effective date for receipt of U.S.-origin HEU research reactor fuels to December 31, 1988. To provide for this extension, the following amendment to the **Federal Register** notice entitled "Receipt and Financial Settlement Provisions for Nuclear Research Reactor Fuels," 51 FR 5754, published February 18, 1986, and as corrected on March 4, 1986 (51 FR 7487), is made:

1. Delete paragraph 6.a. and substitute in its place:

"a. For research reactor fuels described in 4.a. and 4.c.—December 31, 1988."

Troy E. Wade II,

Acting Assistant Secretary for Defense Programs.

[FR Doc. 87–29918 Filed 12–29–87; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3308–4]

Science Advisory Board, Environmental Health Committee, Metals Subcommittee; Open Meeting

Under Public Law 92–463, notice is hereby given that a two day meeting of the Science Advisory Board's Metals Subcommittee of the Environmental Health Committee will be held on January 14–15, 1988 at the St. James Hotel, 950 24th St, NW., Washington, DC 20037. The meeting will begin at 8:30 a.m. on January 14 and adjourn no later than Noon on January 15.

The Metals Subcommittee of the Environmental Health Committee will review the health criteria documents for mercury, selenium, barium and copper.

An agenda for the meeting is available from Ms. Renee Butler, Staff Secretary, Science Advisory Board (A–101F), U.S. Environmental Protection Agency, Washington, DC, 20460, (202) 382–2552. The health criteria documents are available from the Health Effects Branch, Office of Drinking Water, USEPA, Washington, DC, 20460, (202) 382–7571.

The meeting will be open to the public. Any member of the public wishing to attend, obtain information or otherwise participate in these meetings must contact Dr. C. Richard Cothern, Executive Secretary, Environmental Health Committee by telephone at (202) 382–2552 or by mail to: Science Advisory Board (A–101–F), 401 M Street, SW., Washington, DC, 20460 no later than c.o.b. on January 4, 1988.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87–29896 Filed 12–29–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–36152; FRL 3309–1]

Availability of Position Documents Concerning Pesticide Test Protocols

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of two position documents concerning pesticide test protocols. The two documents address residue storage stability data, and the use of the Maximum Tolerated Dose in oncogenicity studies. The Agency has made arrangements with the National Technical Information Service (NTIS) to process and distribute these two documents.

ADDRESS: The documents may be purchased from NTIS at the following address: National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703–487–4650). Orders may be placed by telephone to the NTIS order desk and charged against a deposit account or American Express, VISA, or MasterCard, or sent by mail with check, money order, or deposit account number.

FOR FURTHER INFORMATION CONTACT: For information on the storage stability document, contact by mail:

Francis D. Griffith, Jr., Residue Chemistry Branch, Hazard Evaluation Division (TS–769C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 810, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7484).

For information on the maximum tolerated dose document, contact, by mail, Dr. Theodore M. Farber, Toxicology Branch, Hazard Evaluation Division, at the Agency address given above. Office location and telephone number: Rm. 821, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–7351).

SUPLEMENTARY INFORMATION: Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Agency requires that applicants and registrants of pesticides submit various types of data on the health and environmental effects of a pesticide. The Agency describes protocols for these studies in its Pesticide Assessment Guidelines, available from the NTIS. As necessary, the Agency updates or issues revisions or clarifications to those Guidelines. The Office of Pesticide Programs (OPP) is making available through the NTIS two position documents concerning test methods:

1. Effects of Storage (Storage Stability) on Validity of Pesticide Residue Data. This document supplements information provided in the Pesticide Assessment Guidelines, Subdivision O: Residue Chemistry, concerning the requirements for residue storage stability data. The NTIS accession number for this document is PB88–112362.

2. Selection of a Maximum Tolerated Dose (MTD) in Oncogenicity Studies. This document supplements information provided in the Pesticide Assessment Guidelines, Subdivision F: Toxicology, concerning oncogenicity studies. The NTIS accession number for this document is PB88–116736/AS.

In ordering either document from NTIS, specify the accession number and whether paper copy or microfiche is desired. Paper copies vary in price, but microfiche copies uniformly cost $9.95.

Dated: December 17, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87–29878 Filed 12–29–87; 8:45 am]

BILLING CODE 6560–50–M

[OPP–30283; FRL 3309–2]

Certain Companies; Applications To Register Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comments by January 29, 1988.

ADDRESS: By mail, submit written comments identified by the document control number [OPP–30283] and the registration/file number, attention Product Manager (PM) named in each application at the following address:

Information Services Section, Program Management and Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Registration Division (TS–767C), Attn: (Product Manager (PM) named in each registration), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

In person: Contact the PM named in each registration at the following office location/telephone number:

Product manager	Office location/ telephone number	Address
Phil Hutton (PM 17).	Rm. 207, CM #2 (703–557–2690).	EPA, 1921 Jefferson Davis Hwy, Arlington, VA
Lois Rossi (PM 21).	Rm. 229, CM#2 (703–557–1900).	Do.

SUPPLEMENTARY INFORMATION: EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

I. Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. *File Symbol:* 56984–R *Applicant:* California Dept. of Health Services, Vector Biology and Control Branch, 714/744 "P" Street, Sacramento, CA 95814. *Product name:* Lagenidium Giganteum Mycelium. Insecticide. *Active Ingredient: Lagenidium giganteum* (California strain) mycelium 20%. *Proposed classification/Use:* General. For control of mosquito larvae in unpolluted freshwater. (PM 17)

2. *File Symbol:* 56984–E. *Applicant:* California Dept. of Health Services. *Product name:* Lagenidium Giganteum Mycelium. Insecticide. *Active Ingredient: Lagenidium giganteum* (California strain) mycelium 20%. *Proposed classification/Use:* General. For control of mosquito larvae in unpolluted freshwater. (PM 17)

3. *File Symbol:* 56984–G. *Applicant:* California Dept. of Health Services, Vector Biology and Control Branch, 714/744 "P" Street, Sacramento, CA 95814. *Product name:* Lagenidium Giganteum Mycelium. Insecticide. *Active Ingredient: Lagenidium giganteum* (California strain) mycelium 20%. *Proposed classification/Use:* General. For control of mosquito larvae in unpolluted freshwater. (PM 17)

4. *File Symbol:* 53219–R. *Applicant:* Mycogen Corp., 5451 Oberlin Drive, San Diego, CA 92121. *Product name:* M-One™ Insecticide. Insecticide. *Active Ingredient: Bacillus thuringiensis* var. san diego 4.5%. *Active Proposed classification/Use:* General. For control of Colorado Potato Beetle larvae and Elm Leaf Beetle larvae on potatoes, tomatoes, and eggplants. (PM 17)

5. *File Symbol:* 51456–G. *Applicant:* MicroGeneSys, Inc., 400 Frontage Road, West Haven, CT 06516. *Product name:* MGS 400 AcMNPV. A biological Insecticide. *Active Ingredient:* Polyhedral inclusion bodies of *autographa californica* nuclear-polyhedrosis virus 5.0%. *Proposed classification/Use:* General. For control of alfalfa looper, cabbage looper, diamond moth, and beet armyworm on cabbage, lettuce, soybeans, and cotton. (PM 17)

6. *File Symbol:* 58246–R. *Applicant:* Bob McBrayer, 4350 E Acampo St., CA 85220. *Product name:* Nematrol™. Nematicide. *Active Ingredient:* Ground sesame plant 100%. *Proposed classification/Use:* General. For controlling soil nematodes on terrestrial food and non-food products. (PM 21)

Notice of approval or denial of an application to register a pesticide

product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the Program Management and Support Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD Office (703–557–3262), to ensure that the file is available on the date of intended visit.

Authority: 7 U.S.C. 136.

Dated: December 18, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–29877 Filed 12–29–87; 8:45 am]

BILLING CODE 6560–50–M

[PP 5G3263/T552; FRL 3308–9]

Oxyfluorfen; Extension of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended a temporary tolerance for the combined residues of the herbicide oxyfluorfen and its metabolites in or on the raw agricultural commodity alfalfa.

DATE: This temporary tolerance expires December 31, 1988.

FOR FURTHER INFORMATION CONTACT:

By mail:

Richard Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, which was published in the **Federal Register** of December 10, 1986 (51 FR 44517), stating that a temporary tolerance had been established for the combined residues of the herbicide oxyfluorfen, 2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodity alfalfa at 0.1 part per million (ppm). This tolerance was issued in response to pesticide petition PP 5G3263, submitted by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. This temporary tolerance has been extended to permit the continued marketing of the raw agricultural commodity named above when treated in accordance with the provisions of experimental use permit 707–EUP–110, which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95–396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the extension of this temporary tolerance will protect the public health. Therefore, the temporary tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active herbicide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires December 31, 1988. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j)).

Dated: December 12, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 87–29879 Filed 12–29–87; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3308–3]

Underground Injection Control Program; Establishment of Maximum Allowable Injection Pressure For Rule Authorized Wells in State of Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice with request for comment.

SUMMARY: EPA Region VIII has, after extensive investigation, developed and is publishing, for public comment today, sand-face fracture gradients and a maximum allowable surface injection pressure formula for oil and gas-bearing formations in the State of Montana where enhanced recovery injection wells operate under the Underground Injection Control (UIC) program's rule authorization. EPA is providing this notice in accordance with 40 CFR 144.22(b), 144.28(f)(3)(i) and 147.1354(a).

DATES: Anyone wishing to make comments may do so until February 16, 1988. If no significant public comments are received which warrant changes to this proposal, including public comment which may be received if a public hearing is held, this proposal will become final on March 14, 1988. A public hearing to discuss this proposal has been scheduled for 1:00 p.m. on January 29, 1988. However, if sufficient public interest is not expressed for a public hearing by January 20, 1988, EPA reserves the right to cancel this hearing.

ADDRESS: Comments should be submitted to Debra G. Ehlert, Section Chief, Ground Water Section, U.S. EPA, Region VIII, 999–18th Street, Suite 500, Denver, Colorado 80202–2405. The public hearing will be on the 5th Floor, U.S. EPA Region VIII Offices at the above address.

FOR FURTHER INFORMATION CONTACT: Debra G. Ehlert, (303) 293–1417.

SUPPLEMENTARY INFORMATION:

Background

Section 147.1354(a)(1)(i) of the UIC program regulations for Montana states ". . . the owner or operator shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing . . ."

EPA Region VIII has developed sand-face fracture gradients and a maximum allowable surface injection pressure (Pmax) formula for oil and gas-bearing geologic formations in those portions of the State of Montana where enhanced recovery operations occur under the UIC program's rule authorization and for which the operators have submitted definitive reservoir fracture data. The resultant calculations address approximately 1200 enhanced recovery injection wells and were developed using 41 separate field-specific determinations for 60 operating units.

Basis for Proposal

The proposed sand-face fracture gradients and the maximum allowable surface injection pressure formula set forth today were developed from information submitted to EPA during the promulgation process of the Montana UIC program in 1984 as well as from additional information supplied to EPA by owners and operators during the first year of program implementation.

Table I provides the sand-face fracture gradient of the geologic formations and the fields where definitive data were available. These sand-face fracture gradients were determined by analyzing instantaneous shut-in pressures, step-rate tests, operating data, and other relevant geological data from wells drilled into these oil and gas-bearing strata. In determining each sand-face fracture gradient, the hydrostatic pressure gradient was calculated as the product of the fresh water hydrostatic gradient in pounds per square inch per foot (psi/ft), Specific Gravity (Sp. Gr.) of the specific fluid injected, and the average depth in feet to the top of the injection (or producing) formation. The pressure loss caused by friction was purposely not considered in determining the listed sand-face fracture gradients, thus providing a reasonable safety margin in the protection of underground sources of drinking water.

TABLE I.—PROPOSED SAND-FACE FRACTURE GRADIENTS (MONTANA)

Oil field/unit/operator	Producing formation	Fracture gradient, psi/ft
Keg Coulee/Buttes	Tyler Sandstone	0.830
Ragged Point/Buttes	Tyler Sandstone	0.726
Sawyer/Buttes	Tyler Sandstone	0.723
SE. Sumatra/Buttes	Tyler Sandstone	0.704
Sumatra/Buttes	Tyler Sandstone	0.723
Cat Creek/Units #1 & #2/Cenex	1st & 2nd Cat Creek Sand	1.200
Cat Creek/Amsden & Swift/Cenex	Amsden & Swift (Ellis)	1.200
Sumatra/Grebe/Cenex	Tyler Sandstone	0.674
Flat Lake East/Chevron	Ratcliffe Lime	0.770
Flat Lake West/Chevron	Ratcliffe Lime	0.770
W. Sumatra/TSU/Conoco	Tyler Sandstone	0.870
N. Cut Bank/Croft	Cut Bank Sandstone	1.360
W. Sumatra/Kincheloe/Exeter	Tyler Sandstone	0.870
Red Creek/Exxon	Madison Limestone	1.070
Red Creek/Exxon	Cut Bank Sandstone	1.370
Bell Creek/Ranch Creek Unit and Units A, B, C, D, and E/GWOP	Muddy Sandstone	0.907
Cat Creek/Ellis Sand Unit/Hoss	Ellis Sandstone	1.070
Graben Coulee/Cut Bank Sand Unit/ Monte Grande	Cut Bank Sandstone	1.282
Highview/Madison/Mountain States	Madison Limestone	0.880
SW. Ragged Point/Tyler A/Pet.-Lewis	Tyler A Sandstone	0.750
N. Cut Bank Sand Unit/Phillips	Cut Back Sandstone	1.440
SW. Cut Bank Sand Unit/Phillips	Cut Bank Sandstone	1.330
Dwyer/Charles/Phillips	Charles Limestone	0.780
Flat Coulee/Swift /Phillips	Swift Sandstone	1.170
SW. Cut Bank/Two Medicine Unit/Wold	Cut Bank Sandstone	1.290
Cabin Creek, Gas City, Little Beaver, E. Little Beaver, Monarch, Pennel, Lookout Butte-Coral Creek, N. Pine, S. Pine, and Pine Units/Shell.	Siluro-Ordovician	0.765
Winnette Junction/Tyler/Templeton	Tyler Sandstone	1.110
Big Wall/Tyler B/Texaco	Tyler B. Sandstone	1.110
Bowes/Sawtooth/Texaco	Sawtooth Sandstone	1.110
Central Sumatra/Tyler/Texaco	Tyler Sandstone	1.020
NE. Sumatra/Tyler/Texaco	Tyler Sandstone	1.020
N. Sumatra/Tyler/Texaco	Tyler Sandstone	1.020
Sunburst Sand Unit/Texaco	Sunburst Sandstone	1.110
Stensvad/Lower Tyler Unit/Tomahawk	Lower Tyler Sandstone	0.886
Cut Bank/S. Central Cut Bank Sand Unit/Union	Cut Bank Sandstone	1.434
S. Central Cut Bank Sand Unit/Union	Cut Bank Sandstone	1.434
Cut Bank/Madison Unit/Union	Madison Limestone	0.880
Reagan Unit/Union	Madison Limestone	0.880
Moulton Unit/Union (terminated)	Mouton Sandstone	0.000
Jim Coulee/Tyler Sand Unit/Union-Texas	Tyler Sandstone	0.821
Jim Coulee/Tyler Sand Unit, Well #BNI 33-3/Union-Texas	Tyler Sandstone	1.272
Kelly Unit/Union-Texas	Tyler Sandstone	0.688

TABLE I.—PROPOSED SAND-FACE FRACTURE GRADIENTS (MONTANA)—Continued

Oil field/unit/operator	Producing formation	Fracture gradient, psi/ft
S. Little Wall/Tyler Sand Unit/Union-Texas	Tyler Sandstone	0.700

The maximum allowable surface injection pressure (Pmax) formula to be used for each field unit with wells authorized by rule is as follows:

Pmax = [Fracture Gradient - (0.433) (Sp.Gr.)] × [Well Depth, shallowest in project]

When the operator calculates the (Pmax) values, the fresh water hydrostatic pressure gradient (0.433 psi/ft) must be multiplied by the Specific Gravity of the appropriate injection fluid (Sp.Gr., unitless) before being subtracted from the established sand-face fracture gradient (psi/ft). The well depth to be used in the calculation of the maximum allowable surface injection pressure shall be that depth to the top of the injection perforations of the shallowest well in the injection formation in a rule authorized project. The value shall then apply to all injection wells in that field and/or unit. This procedure provides a safety margin because the use of a well depth with a deeper injection formation for these calculations could lead to significantly higher, possibly excessive, injection pressures in projects with highly dipping beds.

If a sufficient data base was not available to determine an appropriate sand-face fracture gradient for an injection formation/field as a part of this notice, EPA Region VIII has not herein listed a specific fracture gradient. In this case, EPA Region VIII will require the use of the previously established fracture gradient value of 0.733 psi/ft, as identified in the UIC Rules promulgated in 49 FR 20181 on May 11, 1984, and the attendant state-specific preamble. Therefore, for all of those geologic formations/fields not listed in Table I, but being used for the enhanced recovery of oil or gas, the formula for determining the maximum allowable surface injection pressure is as follows:

Pmax = [0.733-(0.433)(Sp.Gr.)] × [Well Depth, shallowest in project]

Wrritten request for modifications of the above specifications may be made during the public comment period and shall be sent to the address provided at the beginning of this notice. EPA Region VIII will consider such requests which are accompanied by new data appropriate to the determination of a revised sand-face fracture gradient for a formation/field in the above list. The operator of a specific rule authorized enhanced recovery well(s) not included in the above list may also request a Pmax determination by EPA during the public comment period. Appropriate evidence of formation fracture pressure data shall accompany such requests.

Subsequent to final promulgation of today's proposed fracture gradients and maximum allowable injection pressures (as may be modified during the comment period), as operator may obtain authority to inject at a pressure greater than these established herein only be submitting a written request to EPA. Any such request must be addressed to the Regional Administrator and must demonstrate that the requested injection pressure will not initiate new fractures or propagate existing fractures in the confining zone, or cause movement of fluids into an USDW. Any such request will be approved only after notice, opportunity for comment and opportunity for a public hearing, in accordance with Part 124 of Subpart A of this chapter (Ch. 1).

Anyone wishing to review the supporting information which led to the development of this proposal may do so by visiting the EPA Region VIII office.

Dated: October 7, 1987.

Alexandra B. Smith,

Acting Regional Administrator, EPA Region VIII.

[FR Doc. 87-29897 Filed 12-29-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. W-30]

Window Notice for Filing of FM Broadcast Applications

Released: December 16, 1987.

Notice is hereby given that applications for vacant FM broadcast allotment listed below may be submitted for filing during the period beginning December 16, 1987 and ending January 16, 1988 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

CHANNEL—263 A

E Porterville	CA
Rohnerville	CA
Henry	IL
Carrollton	MI
Walker	MI
Willard *	MO
Lebanon	NH
Warrensburg	NY
Elizabethville	PA
Marion	SC
Columbus	WI

CHANNEL—263 C2

Louisville	KY

CHANNEL—254 A

Winton	CA
East Lyme	CT
Anderson	IN
Somersworth	NH
Winchester	NH
Villas	NJ
Crestline	OH
NYSSA	OR
Spencer	TN

*A proposal is pending under Docket 87-474 to change channel and class to 286C2.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 87-29816 Filed 12-29-87; 8:45 am]

BILLING CODE 6717-01-M

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings; Correction

On December 22, 1987, at 52 FR 48458, the Commission published a public notice (Report No. 1699) announcing the filing of petitions for reconsideration in the proceeding concerning the separation of costs of regulated telephone service from costs of nonregulated activities, CC Docket No. 86-111. The due date for oppositions was inadvertently omitted. That date is January 7, 1988.

William J. Tricarico,

Secretary.

[FR Doc. 87-29817 Filed 12-29-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant	City/State	File No.	MM Docket No.
A. Courtney Jackson	Ft. Scott, KS	BPCT-861230KG	87-553
B. Family Broadcasting Company, Inc.	do	BPCT-8703312K	
C. Steven Heft d.b.a. Hefty Communications, Ltd.	do	BPCT-870331LE	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, issued below to signify whether the issue in question applies to that particular applicant.

Issue Heading	Applicant(s)
Air Hazard	B
Environmental	A,B
Comparative	A,B,C
Ultimate	A,B,C

See Appendix.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

Appendix—Non-Standardized Issue(s)

Applicant(s)

Hefty Communications, Ltd. 1. To determine with respect to Hefty Communications, Ltd., whether its failure to disclose its interests in other pending broadcast applications as required by Section II, Item 6(b), FCC Form 301, was an attempt to conceal material facts from the Commission and, if so, the effect thereof on its basic qualifications to be a Commission licensee.

[FR Doc. 87-29818 Filed 12-29-87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant	City/State	File No.	MM Docket No.
A. Edward P. Ockenden	Kittery, Maine	BPH-851029MC	87-549
B. Michael M. Colby and Joy Thomas, A Partnership	do	BPH-851030MA	
C. James A. Moyer	do	BPH-851030MB	
D. C.G. Associates	do	BPH-851030MC	
E. Stuart Moore	do	BPH-851030MD	
F. Kittery Associates	do	BPH-851030ME	
G. Margaret O. Nighswander	do	BPH-851030MF	
H. Diane Steiner d.b.a. Steiner Communications	do	BPH-861030MT	
I. Earl Terry Courtney	do	BPH-851217MI (Dismissed)	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirely under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that parreexamine and seeks

Issues Heading	Applicants
1. Air Hazard	C
2. Comparative	A-H
3. Ultimate	A-H

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which is applies are set forth in an Appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington D.C. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87-29819 Filed 12-29-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-805-DR]

Major Disaster and Related Determinations; Puerto Rico

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA-805-DR), dated December 17, 1987, and related determinations.

DATED: December 17, 1987.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: Notice is hereby given that, in a letter dated December 17, 1987, the President declared a major disaster under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288), as follows:

I have determined that the damage in certain areas of the Commonwealth of Puerto Rico from severe storms and flooding beginning on November 24, 1987, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I, therefore, declare that such a major disaster exists in the Commonwealth of Puerto Rico.

You are authorized to provide Individual Assistance in the affected areas. You are also authorized to provide Public Assistance in the affected areas, if warranted, and an acceptable Commonwealth commitment for these purposes is provided. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under Public Law 93-288 for Public Assistance will be limited to 75 percent of total eligible costs in the designated areas.

Pursuant to section 408(b) of Public Law 93-288, you are authorized to advance to the Commonwealth its 25 percent share of the Individual and Family Grant program, to be repaid to the United States by the Commonwealth when it is able to do so.

The time period prescribed for the implementation of section 313(a), priority to certain applications for public facility and public housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Jose A. Bravo of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the Commonwealth of Puerto Rico to have been affected adversely by this declared major disaster:

The Municipalities of Adjuntas, Aibonito, Canovanas, Carolina, Coamo, Fajardo, Gurabo, Humacao, Juana Diaz, Juncos, Las Piedras, Loiza, Maunabo, Naguabo, Patillas, Ponce, Rio Grande, Sabana Grande, Salinas, San Lorenzo, Yabucoa, and Yauco for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 87-29880 Filed 12-29-87; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-805-DR]

Amendment to Notice of a Major Disaster Declaration; Puerto Rico

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA-805-DR), dated December 17, 1987, and related determinations.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

Notice: The notice of a major disaster for the Commonwealth of Puerto Rico, dated December 17, 1987, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 17, 1987:

The Municipalities of Culebra and Vieques for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 87-29881 Filed 12-29-87; 8:45 am]

BILLING CODE 6718-02-W

[FEMA-805-DR]

Amendment to Notice of a Major Disaster Declaration; Puerto Rico

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Puerto Rico (FEMA-805-DR), dated December 17, 1987, and related determinations.

DATE: December 21, 1987.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the Commonwealth of Puerto Rico, dated December 17, 1987, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 17, 1987:

The Municipalities of Adjuntas, Canovanas, Coamo, Guayanilla, Gurabo, Humacao, Juana Diaz, Juncos, Las Piedras, Maunabo, Naguabo, Orocovis, Patillas, Penuelas, Ponce, Rio Grande, Sabana Granda, San German, San Lorenzo, Utuado, Villalba, Yabucoa, and Yauco for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

[FR Doc. 87-29882 Filed 12-29-87; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL HOME LOAN BANK BOARD

Yankee Bank for Finance and Savings, FSB, Boston, MA; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(D) of the Home Owners' Loan Act of 1933, 12 U.S.C. 1464(d)(6)(D) (1982), the Federal Home Loan Bank Board duly appointed the Federal Deposit Insurance Corporation as sole receiver for Yankee Bank for Finance and Savings, FSB, Boston, Massachusetts on October 16, 1987.

Dated: December 23, 1987.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 87-29860 Filed 12-29-87; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the

Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–002813–006.

Title: San Francisco Terminal Agreement.

Parties: Port of San Francisco, California Stevedore and Ballast Co. (CS&B)

Synopsis: The proposed amendment enlarges the premises and imposes promotional and reporting obligations on CS&B.

Agreement No.: 224–003945–010.

Title: Port of Oakland Terminal Agreement.

Parties: City of Oakland, Maersk Line Pacific, Ltd.

Synopsis: The proposed amendment amends the basic agreement to provide for the proration of the minimum annual compensation and annual breakpoint levels for the final partial contract year. The agreement also provides for the possible extension of the basic agreement and the related container crane nonexclusive preferential assignment agreement.

Dated: December 23, 1987.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87–29804 Filed 12–29–87; 8:45 am]

BILLING CODE 6730–01–M

Agreements Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212–010027–019.

Title: Brazil/U.S. Atlantic Coast Agreement.

Parties:

Companhia de Navegacao Lloyd Brasileiro
Companhia de Navegacao Maritima Netumar
American Transport Lines, Inc.
Empresa Lineas Maritimas Argentinas S.A.
A. Bottacchi S.A. de Navegacion C.F.I.I.
A/S Ivarans Rederi
Van Nievelet, Goudriaan & Co., B.V.

Synopsis: The proposed modification creates three accountings for pool period ending December 31, 1987: (1) The period U.S. Lines (S.A.) Inc., participated in the pool; (2) the period no U.S. carrier participated in the pool; and 3 the period American Transport Lines ("AmTrans") began its participation in the pool.

Agreement No.: 212–010746–003.

Title: Columbus/PACE/SCNZ/PAD Space Charter and Sailing Agreement.

Parties:

Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck
Associated Container Transportation (Australia), Ltd.
The Shipping Corporation of New Zealand Limited
Blue Star Line, Ltd.
Pacific Australia Direct Line

Synopsis: The proposed amendment (1) removes Blue Star Line, Ltd. from the agreement; (2) adds the Australia-New Zealand Direct Line; (3) modifies vessel capacities for certain parties; (4) provides further detail on existing authority to pool certain revenue; (5) extendes the commencement date from January 1, 1988, to February 1, 1988; and (6) makes other changes in the agreement generally reflecting the change in parties.

By Order of the Federal Maritime Commission

Joseph C. Polking,

Secretary.

Dated: December 24, 1987

[FR Doc. 87–29850 Filed 12–29–87; 8:45 am]

BILLING CODE 6730–01–M

Practices of Ocean Common Carriers Regarding Effective Date of Rate Changes; Filing of Petition for Rulemaking

Notice is given that a petition has been filed by the Transpacific Westbound Rate Agreement ("TWRA") requesting the Federal Maritime Commission to adopt a rule in 46 CFR Part 580 which would state that "tariff rates and rules may not be applicable to cargo that is received by the carrier or its agent (including a connecting inland carrier in the case of an intermodal movement) prior to the effective date of the tariff provision." According to TWRA, the purpose of the requested rule is to preclude carriers from utilizing secret rates under tariff rules allowing rate changes to be applied retroactively to cargo which has already been received by the carrier and has started its transportation move.

In order for the Commission to make a thorough evaluation of the petition, interested persons are requested to submit views, arguments or data on the petition no later than February 5, 1988. Responses shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573–0001, in an original and 15 copies. Responses shall also be served on counsel for TWRA: R. Frederic Fisher, Esq., Lillick, McHose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Copies of the petition are available for examination at the Washington, DC Office of the Commission, 1100 L Street NW., Room 11101.

Joseph C. Polking,

Secretary.

[FR Doc. 87–29861 File 12–29–87; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Winston C. Brown, Jr. et al.

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the officers of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the Offices of the Board of

Governors. Comments must be received not later than January 21, 1988.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Winston C. Brown, Jr.*, Fraziers Bottom, West Virginia; to acquire an additional 24.0 percent of the voting shares of First Bancorp of Wayne, Inc., Sprague, West Virginia, and thereby indirectly acquire The First National Bank of Kenova, Kenova, West Virginia.

2. *David Lee*, Fraziers Bottom, West Virginia; to acquire an additional 24.0 percent of the voting shares of First Bancorp of Wayne, Inc., Sprague, West Virginia, and thereby indirectly acquire The First National Bank of Kenova, Kenova, West Virginia.

3. *R. Wade Caskey*, Charleston, West Virginia; to acquire an additional 24.0 percent of the voting shares of First Bancorp of Wayne, Inc., Sprague, West Virginia, and thereby indirectly acquire The First National Bank of Kenova, Kenova, West Virginia.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Michael J. Brennan and Patricia R. Brennan*, St. Paul, Minnesota, to acquire an additional 3.1 percent of the voting shares of Minnesota State Bancorporation, Inc., St. Paul, Minnesota, and thereby indirectly acquire Minnesota State Bank of St. Paul, St. Paul, Minnesota.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Ronald L. Moore*, Englewood, Colorado, to acquire an additional 10.13 percent of the voting shares of Rice Insurance Agency, Strasburg, Colorado, and thereby indirectly acquire The First National Bank of Strasburg, Strasburg, Colorado.

2. *Leo Payne*, Lakewood, Colorado, to acquire an additional 31.5 percent of the voting shares of Jefferson Bank & Trust Company, Lakewood, Colorado.

Board of Governors of the Federal Reserve System, December 23, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-29857 Filed 12-29-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Respiratory Disease Intervention Peer Review and Control of Anesthetic Gases in Dental Operatories; Open Meetings

The following meetings will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Respiratory Disease Intervention Peer Review

Date: January 13, 1988.

Time: 9 a.m.–4:30 p.m.

Place: Conference Room C, Alice Hamilton Laboratory, 5555 Ridge Avenue, Cincinnati, Ohio 45213.

Purpose: To conduct a review of medical intervention for workers at risk of developing respiratory disease. Questions to be considered: (1) What are the medical benefits of informing workers at risk of (a) malignant respiratory disease, (b) non-malignant respiratory disease, (c) pleural mesothelioma; (2) Are any of the following interventions (screening, counseling for recognition of early signs and symptoms, risk factor modification; e.g., smoking cessation) useful for workers exposed to known lung carcinogens?

Additional information may be obtained from: Paul A. Schulte, Ph.D., Division of Surveillance, Hazard Evaluations and Field Studies, NIOSH, CDC, 4676 Columbia Parkway, R–13, Cincinnati, Ohio 45226, Telephones: FTS: 684–4203, Commercial: 513/841–4203.

Control of Anesthetic Gases in Dental Operatories

Date: January 20, 1988.

Time: 9 a.m.–11:30 a.m.

Place: Conference Room A, Alice Hamilton Laboratory, 5555 Ridge Avenue, Cincinnati, Ohio 45213.

Purpose: To conduct a meeting for the review of a project which will seek methods to consistently achieve the NIOSH recommended limit of 50 parts per million parts air for nitrous oxide exposure among dental personnel.

Additional information may be obtained from: James D. McGlothlin, Division of Physical Sciences and Engineering NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684–4368, Commercial: 513/841–4368.

Viewpoints and suggestions from industry, organized labor, academia, other governmental agencies, and the public are invited.

Dated: December 22, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87-29843 Filed 12-29-87; 8:45 am]

BILLING CODE 4160-19-M

Collection of Fees for Sanitation Inspections of Passenger Cruise Ships

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Notice of collection of fees for sanitation inspections of passenger cruise ships.

SUMMARY: Collection of fees for sanitation inspections of passenger cruise ships currently inspected under the Vessel Sanitation Program, CDC, will commence on March 1, 1988.

EFFECTIVE DATE: March 1, 1988.

FOR FURTHER INFORMATION CONTACT: Vernon N. Houk, M.D., Director, Center for Environmental Health and Injury Control, CDC, Atlanta, Georgia, 30333. Telephone: FTS: 236–4111, Commercial: (404) 488–4111.

SUPPLEMENTARY INFORMATION: A notice of the collection of fees for sanitation inspections of passenger cruise ships currently inspected under the Vessel Sanitation Program, CDC, was published in the **Federal Register** on Tuesday, Novembr 24, 1987 (52 FR 45019). The January 1, 1988, effective starting date has been changed to March 1, 1988.

Dated: December 22, 1987.

Glenda S. Cowart,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 87-29844 Filed 12-29-87; 8:45 am]

BILLING CODE 4160-18-M

Cooperative Agreements for Hepatitis B Vaccine Trial Follow-Up Program Announcement and Availability of Funds for Fiscal Year 1988

Introduction

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1988 for continuation of existing cooperative agreements for Hepatitis B Vaccine Trial Follow-up.

Plans are for renewal of existing cooperative agreements to the San Francisco Department of Health, San Francisco, CA; Howard Brown Memorial Clinic, Chicago, IL; and

Denver Department of Health and Hospitals, Denver, CO who were participants in the original CDC multicenter Hepatitis B Virus (HBV) vaccine trial in homosexual men. The objectives relate specifically to follow-up of recipients of vaccine in the original multicenter trial. Each of these centers has followed 100 or more HB vaccine recipients on a six-month basis for more than five years, and has obtained information necessary to further assess the duration and nature of long-term protection by this vaccine. Therefore this is not a request for new applications.

Authority

This program is authorized under section 318(b) of the Public Health Service Act (42 U.S.C. 247c(b)), as amended. The Catalog of Federal Domestic Assistance Number is 13.978.

Objectives

The objectives of these cooperative agreements are to provide assistance to participating clinics to:

1. Contact vaccine trial participants who are eligible for follow-up and re-enroll those who wish to be part of the follow-up study.

2. For participants whose immunity to hepatitis B has waned to very low levels during the trial, offer a single booster dose of vaccine, and monitor response to this booster dose at intervals specified in the study protocol.

3. Administer a questionnaire, with informed consent, and perform venipuncture at intervals established by the study protocol and the cooperative agreement.

4. Separate and ship serum to CDC for testing for makers of hepatitis B infection.

5. Maintain a system for accurately matching participating vaccinees with serologic status, locating information, consent forms, follow-up visit scheduling and other necessary record keeping.

6. Inform study participants as to their HBW serologic status, based upon blood test results; and refer carriers and those who develop acute HBV for appropriate medical follow-up.

Availability of funds

Approximately $104,000 will be available for the first year. Three awards will be made for renewal applications for hepatitis B vaccine trial follow-up ranging from approximately $28,000 to $39,000 with the average award being $35,000.

The cooperative agreements will begin on January 1, 1988, and will be funded in 12-month budget periods within a 2-year project period. Continuation awards will be made on the basis of satisfactory progress in meeting project objectives and the availability of funds. The funding estimate outlined above may vary and is subject to change.

Information

Information may be obtained from the individuals listed below:

Technical:

Stephen C. Hadler, M.D., Hepatitis Branch, Center for Infectious Diseases, Centers for Disease Control, Atlanta, Georgia 30333, Telephone: (404) 639-2346 or FTS 236-2346

Business:

Marsha D. Driggans, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta, Georgia 30305, Telephone: (404) 842-6575 or FTS 236-6575.

Dated: December 22, 1987.

Glenda S. Cowart,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 87-29841 Filed 12-29-87; 8:45 am]

BILLING CODE 4160-18-M

Hospital and Regional Monitoring of Trauma Outcomes; Meeting

Action: Notice of meeting—data sets for monitoring trauma outcomes.

Time and date:

4:00 pm-6:30 pm—January 20, 1988
8:30 am-8:00 pm—January 21, 1988
8:30 am-8:00 pm—January 22, 1988
8:30 am-12:30 pm—January 23, 1988

Place: Hotel Tower Place, 3340 Peachtree Road, Atlanta, Georgia 30021.

Status: Open to public, limited only by the space available.

Matters to be discussed: The Centers for Disease Control (CDC) is convening a public meeting of biomedical investigators, clinicians, health planners, other professionals with expertise in injury control, and other interested parties to discuss data requirements for hospital and regional monitoring of trauma outcomes. The purpose of this meeting is to present information on data sets for hospital and regional monitoring of trauma outcomes. Input from attendees will be used to assist CDC in developing recommendations for minimum and optimum data sets to monitor trauma outcomes.

For further information contact: Stuart T. Brown, M.D., Director, Division of Injury Epidemiology and Control, Center for Environmental Health and Injury Control, CDC, Atlanta, Georgia, 30333, Telephones: FTS: 236-4690, Commercial (404) 488-4690.

Dated: December 22, 1987.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 87-29842 Filed 12-29-87; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-660-07-4133-02]

Information Collection Submitted to Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395-7340.

Title: Solid Minerals (Other than Coal) Exploration and Mining Operations Reporting (43 CFR Part 3590)

Abstract: Requirements are given in this part for exploration and mining plans, including surface and underground maps. These maps are required to be furnished to the authorized officer annually or as otherwise specified. Other information required in this part include records of all core or test holes made on the leased or permit lands, mining methods, and changes to exploration and/or mining plans. Normally this information is received on an "on occasion" basis and does not require formal or routine reporting. Production maps which show the extent of mining activities are required on a routine basis (usually quarterly) to enable the authorized officer to verify production.

The information contained in 43 CFR Part 3590 is being collected to permit the authorized officer to determine whether proposed and existing exploration and mining operations for leasable minerals, other than coal and oil and gas, on the

Federal lands are in compliance with the applicable statutory and regulatory requirements, and to ensure that production reported for royalty purposes is accurate.

Frequency: On occasion, quarterly.

Description of Respondents: Solid Mineral (other than coal) lessees, permittees and operators.

Annual Reponses: 3,240.

Annual Burden Hours: 6,480.

Bureau Clearance Officer: Rick Iovaine, (202) 653–8853.

Date: December 11, 1987.

Adam A. Sokoloski,

DAD, Energy & Mineral Resources.

[FR Doc. 87–29825 Filed 12–29–87; 8:45 am]

BILLING CODE 4310–84–M

[NV–930–08–4212–24; N–45128]

Nevada; Realty Action; Correction

AGENCY: Bureau of Land Management, Inteior.

ACTION: Correction; notice of realty action.

EFFECTIVE DATE: December 30, 1987.

FOR FURTHER INFORMATION CONTACT: Rodney Harris, District Manager, 3900 E. Idaho St., Elko, Nevada 89801, (702) 738–4071.

SUPPLEMENTARY INFORMATION: FR Doc. 87–27409 appearing in 52 FR 45507 on November 30, 1987, failed to contain all the information relative to termination of the segregative effect on the lands described therein. The second paragraph is corrected to include the following: "The segregative effect will terminate upon issuance of a patent or two years from the date of publication of this notice in the **Federal Register**, whichever occurs first.".

Dated: December 18, 1987.

Rodney Harris,

District Manager.

[FR Doc. 87–29826 Filed 12–29–87; 8:45 am]

BILLING CODE 4310–HC–M

[NM 010–3110–10–6201, NM 68472]

New Mexico; Realty Action Designating Public Lands for Transfer Out of Federal Ownership in Exchange for State Lands To Be Acquired Within De-na-zin Wilderness Area

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: The following described Federal surface and subsurface has been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716 and section 104 of the San Juan Basin Wilderness Protection Act of 1984, 98 Stat. 3156.

New Mexico Principal Meridian

T. 17N., R. 2W.
Section 9, E½ (surface and subsurface), W½ (subsurface)
Section 10, SW¼ (surface and subsurface), NW¼ (subsurface)

containing 480 acres of surface estate and 960 acres of subsurface estate within Sandoval County.

In exchange for this Federal surface and subsurface estate, the United States has selected approximately 1,282.36 acres of State of New Mexico mineral estate within McKinley County De-na-zin Wilderness Area listed below:

New Mexico Principal Meridian

T. 24N., R. 12W.
Section 2, Lots 1–4, S½N½, S½
Section 16, All.

Containing 1,282.36 acres

Upon competition of the final appraisal, the actual acreage exchanges will be adjusted to reflect equal values as much as possible.

The lands to be transferred from the United States will be subject to:

1. All valid and existing right including any right-of-way, easement, or lease of record. The State of New Mexico will assume all of the administrative responsibilities for rights-of-way granted by the United States.

2. A reservation to the United States for rights-of-way ditches and canals under the Act of August 30, 1890.

3. Existing Federal grazing authorizations for a 2 year period, from the date of receipt of this notice, if other negotiated arrangements cannot be agreed on.

Existing Federal grazing lessees or permittees will be offered up to the legal maximum of a 5 year State Land Office grazing lease with the preferential right of renewal.

The purpose of this exchange is to complete subsurface estate acquisition by the Federal government within De-na-zin Wilderness Area.

The purpose of this Notice of Realty Action is two-fold. First, this notice will provide a response period during which public comments will be accepted regarding this exchange proposal. Secondly, this action as provided in 43 CFR 2201.01(b) should segregate the public lands described in this notice from the operation of the public land laws, including the mining and mineral leasing laws subject to prior existing rights. The segregation shall terminate upon issuance of a conveyance document or the expiration of two years from the date of this publication, whichever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange is available at the Albuquerque District Office, 435 Montano NE, Albuquerque, NM 87107.

For a period of forty-five (45) days after publication of this notice interested parties may submit comments to the District Manager at the above address.

Dated: December 21, 1987.

Michael F. Reitz,

Associate District Manager.

[FR Doc. 87–29713 Filed 12–29–87; 8:45 am]

BILLING CODE 4310–FB–M

Bureau of Reclamation

[FES 87–72]

Newlands Project Operating Criteria and Procedures, Churchill and Storey Counties, NV

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of final environmental impact statement, Newlands Project Operating Criteria and Procedures.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a Final Environmental Impact Statement (FEIS) addressing alternative diversions for the Newlands Project Operating Criteria and Procedures (OCAP). The FEIS was prepared by the Bureau of Reclamation, Mid-Pacific Region, Sacramento, California. The FEIS has been filed with the Environmental Protection Agency and is available to the public.

DATES: Following the 30-day waiting period, which starts when the Environmental Protection Agency notice of availability of this FEIS appears in the **Federal Register**, a decision will be made on adoption of the proposed OCAP.

ADDRESSES: Copies of the FEIS are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7425, Bureau of Reclamation, Washington, DC 20240, Telephone: (202) 343–4991

Regional Director, Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, Sacramento, California 95825–1898, Telephone: (916) 978–5049

Division of Acquisition and Property Management, Document Systems

Management Branch, Library Section, Code 823, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 236–6463

FOR FURTHER INFORMATION CONTACT: John C. Brooks, Environmental Specialist, Mid-Pacific Region, Bureau of Reclamation, MP–410, 2800 Cottage Way, Sacramento, California 95825–1898, telephone No. (916) 978–5049.

SUPPLEMENTARY INFORMATION: The FEIS describes the environmental consquences of adopting long-term OCAP for the Newlands Project. OCAP consists of criteria defining the amount and timing of diversions from the Carson and Truckee Rivers to meet the decreed water rights requirements for Newlands Project water use and insuring the criteria are met. The FEIS confines the analysis to the No Action Alternative; Alternaitve C, which was the proposed action in the DEIS; and Alternative E, the new proposed action. The FEIS analyzes the impacts of phasing in diversion levels of 338,000 acre-feet in 1988 to 320,000 acre-feet or less by 1992.

The FEIS complies with the requirements of the Endangered Species Act, Fish and Wildlife Coordination Act, National Historic Preservation Act, Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands). Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs or the Regional Director at the above addresses. Copies will also be available for inspection in libraries in the project vicinity. Questions or any comments on the FEIS should be sent within 30 days to the Regional Director at the above address.

Date: December 24, 1987.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 87–29805 Filed 12–29–87; 8:45 am]

BILLING CODE 4310–09–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–273]

Certain Cellular Mobile Telephones and Subassemblies and Component Parts Thereof; Change of Commission Investigative Attorney

Before John J. Mathias Administrative Law Judge.

Notice is hereby given that, as of this date, Stephen L. Sulzer, Esq., of the Office of Unfair Import Investigations will be the Commission investigative attorney in the above-cited investigation instead of Steven H. Schwartz, Esq.

The Secretary is requested to publish this notice in the **Federal Register.**

Arthur Wineburg,

Director, Office of Unfair Import Investigations, U.S. International Trade Commission.

Dated: December 17, 1987.

[FR Doc. 87–29909 Filed 12–30–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–367 through 370 (Final)]

Color Picture Tubes From Canada, Japan, Republic of Korea, and Singapore

Determination

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports from Canada, Japan, the Republic of Korea (Korea), and Singapore of color picture tubes,[3] provided for in items 684.96 and 687.35 of the Tariff Schedules of the United States (TSUS), that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective June 30, 1987, following preliminary determinations by the Department of Commerce that imports of color picture tubes from Canada, Japan, Korea, and Singapore were being sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 29, 1987 (52 FR 28353). The hearing was held in Washington, DC, on November 19, 1987, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on December 22, 1987. The views of the Commission are contained in USITC Publication 2046 (December 1987), entitled "Color Picture Tubes from Canada, Japan, the Republic of Korea, and Singapore: Determinations of the Commission in Investigations Nos. 731–TA–367 through 370 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By order of the Commission:

Kenneth R. Mason,

Secretary.

Issued: December 23, 1987.

[FR Doc. 87–29910 Filed 12–29–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 731–TA–385 and 386 (Preliminary)]

Granular Polytetrafluoroethylene Resin From Italy and Japan

Determination

On the basis of the record [1] developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Italy and Japan of granular polytetrafluoroethylene resin, whether filled or unfilled, provided for in item 445.54 of the Tariff Schedules of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On November 6, 1987, a petition was filed with the Commission and the Department of Commerce by E. I. Du Pont De Nemours & Co., Wilmington, DE, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of granular polytetrafluoroethylene resin from Italy and Japan. Accordingly, effective November 6, 1987, the Commission instituted preliminary antidumping investigations Nos. 731–TA–385 and 386 (Preliminary).

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Chairman Liebeler determines that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of LTFV imports from Canada, Japan, the Republic of Korea, and Singapore.

[3] Color picutre tubes are defined as cathode ray tubes suitable for use in the manufacture of color television receivers or other color entertainment display devices intended for television viewing.

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of November 17, 1987 (52 FR 43952). The conference was held in Washington, DC, on December 1, 1987, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on December 21, 1987. The views of the Commission are contained in USITC Publication 2043 (December 1987), entitled "Granular Polytetrafluoroethylene Resin from Italy and Japan: Determination of the Commission in Investigations Nos. 731–TA–385 and 386 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 22, 1987.

[FR Doc. 87–29911 Filed 12–29–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–262]

Certain Hard-Sided Molded Luggage Cases; Decision Not To Review Initial Determination of No Violation of Section 337 of the Tariff Act of 1930; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: (1) Decision not to review the presiding administrative law judge's initial determination finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation; and (2) termination of the investigation.

FOR FURTHER INFORMATION CONTACT: George Thompson, Esq., Office of the General Counsel, U.S. International Trade Commission; telephone 202–523–1683.

SUPPLEMENTARY INFORMATION: The authority for the Commission's action is contained in 19 U.S.C. 1337 and 19 CFR 210.53.

On November 4, 1987, the presiding administrative law judge (ALJ) issued an initial determination (ID) that there is no violation of section 337 in the above-captioned investigation. On November 16, 1987, a petition for review of the ID was filed by complainant Samsonite Corporation. On November 23, 1987 the active respondents and the Commission investigative attorney filed oppositions to the petition for review. No government agency comments were received.

On December 21, 1987, the Commission determined not to review the ID. By virtue of the Commission's decision not to review the ID, the ID has become the final Commission determination in this investigation. 19 CFR 210.53(h).

Copies of the public version of ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission TDD terminal on 202–724–0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 22, 1987.

[FR Doc. 87–29912 Filed 12–29–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–270]

Certain Noncontact Tonometers; Import Investigation

Notice is hereby given that the prehearing conference in this matter will commence at 8:00 a.m. on January 4, 1988, in Courtroom B, Room 111 at the International Trade Commission Building at 500 E Street, SW., Washington, DC, and the hearing will commence immediately thereafter.

The Secretary shall publish this notice in the **Federal Register.**

Janet D. Saxon,

Chief Administrative Law Judge.

Issued: December 22, 1987.

[FR Doc. 87–29913 Filed 12–29–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–270]

Certain Noncontact Tonometers; Commission Determination Not To Review Initial Determination Denying Motion for Temporary Relief

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial determination (ID) denying a motion for temporary relief in the above-captioned investigation.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an ID denying the motion of complainant Cambridge Instruments, Inc., for temporary relief in the investigation.

FOR FURTHER INFORMATION CONTACT: Timothy M. Reif, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–5937.

SUPPLEMENTARY INFORMATION: On July 18, 1987, Cambridge Instruments, Inc., of Buffalo, New York, a domestic manufacturer of noncontact tonometers, filed a complaint and a motion for temporary relief, alleging a violation of section 337 of the Tariff Act of 1930 in the unlawful importation and sale of certain noncontact tonometers, manufactured abroad by a process that, if practiced in the United States, would infringe claims 3 and 4 of U.S. Letters Patent 3,585,849, claim 1 of U.S. Letter Patent 3, 756,073, and claim 1 of U.S. Letters Patent 4, 386,611, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The Commission instituted an investigation of Cambridge Instrument, Inc.'s complaint and published a notice of investigation in the **Federal Register** on July 22, 1987 (52 F.R. 27595). The respondents named in the notice of investigation were Tokyo Optical Co., Ltd; Topcon Instrument Corporation of America; Keeler Instruments, Inc.; Keeler Holdings, Ltd.; Keeler Ltd; and PA Consulting Services, Ltd.

On November 24, 1987, the presiding administrative law judge (ALJ) issued an ID denying complainant's motion for temporary relief under subsections (e) and (f) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337 (e) and (f)). No petitions for review or government agency comments were received.

Having examined the record, including the submissions of the parties, the Commission has decided not to review the ID and, therefore, adopts the conclusion of the ID that there is no reason to believe that there is a violation of section 337 of the Tariff Act of 1930. The Commission further adopts the conclusion of the ID that temporary relief should not be issued.

The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 U.S.C. 1337a, and in

section 210.53 of the Commission's Rules of Practice and Procedure (19 CFR 210.53).

Copies of the nonconfidential version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 21, 1987.

[FR Doc. 87–29914 Filed 12–29–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–248]

In the Matter of Certain Plastic Fasteners and Processes for Manufacture Thereof; Decision Terminating Investigation Based on Finding No Violation of Section 337

AGENCY: U.S. International Trade Commission.

ACTION: Termination of the above-captioned investigation based on a finding of no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Authority: The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in § 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56).

FOR FURTHER INFORMATION CONTACT: Stephen A. McLaughlin, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0421.

SUPPLEMENTARY INFORMATION: On June 18, 1986, the Commission instituted this investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) pursuant to a complaint filed by Dennison Manufacturing Company (Dennison) of Framingham, Massachusetts, to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain plastic fasteners into the United States, or in their sale, by reason of alleged manufacture abroad by a process which, if practiced in the United States, would infringe certain claims of three patents owned by Dennison and infringement of a fourth patent owned by Dennison. The complaint also alleged that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. 51 FR 22144 (June 18, 1986). Prior to the evidentiary hearing in this investigation, the complainant withdrew two of the patents as bases for a violation of section 337.

On June 19, 1987, the presiding administrative law judge (the ALJ) issued an Initial Determination (ID) finding no violation of section 337 with regard to the importation and sale of the subject fasteners. Petitions for review were filed by the complainant and two groups of respondents. Responses to the petitions for review were filed by those same parties, as well as the Commission investigative attorney. On July 30, 1987, the Commission extended the deadline for a decision on whether to review the ID until August 14, 1987. On August 14, 1987, the Commission again extended the deadline for a decision on whether to review and ID until September 18, 1987 and extended the deadline for completion of the investigation until November 17, 1987. On September 18, 1987, the Commission determined to review the ID in its entirety and extended the deadline for completion of the investigation to December 18, 1987.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 21, 1987.

[FR Doc. 87–29915 Filed 12–29–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–248]

Certain Plastic Fasteners and Processes for the Manufacture Thereof; Commission Action and Order

On June 18, 1986, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, pursuant to a complaint filed by Dennison Manufacturing Company (Dennison) of Framingham, Massachusetts, to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain plastic fasteners into the United States, or in their sale, by reason of alleged manufacture abroad by a process which, if practiced in the United States, would infringe certain claims of (1) U.S. Letters Patent 4,183,894 (the '894 patent); (2) U.S. Letters Patent 4,416,838 (the '838 patent); and (3) U.S. Letters Patent 4,304,743 (the '743 patent); and (4) by reason of alleged infringement of certain claims of U.S. Letters Patent 4,429,437 (the '437 patent), the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. 51 F.R. 22144 (June 18, 1986). Prior to the hearing in this investigation, the complainant withdrew the '743 and '437 patents as bases for a violation of section 337, leaving only the '894 and '838 patents in issue.

On June 19, 1987, the presiding Administrative Law Judge Sidney Harris (the ALJ) issued an Initial Determination (ID) in the above-referenced investigation finding no violation of section 337 with regard to the importation and sale of plastic fasteners alleged to be made by a process which, if practiced in the United States, would infringe certain claims of the '894 patent and the '838 patent. Petitions for review were filed by the complainant and two groups of respondents. Responses to the petitions for review were filed by those same parties, as well as the Commission investigative attorney (IA). On July 30, 1987, the Commission extended the deadline for a decision on whether to review the ID until August 14, 1987. On August 14, 1987, the Commission again extended the deadline for a decision on whether to review the ID until September 18, 1987 and extended the deadline for completion of the investigation until November 17, 1987. On September 18, 1987, the Commission determined to review the ID in its entirety and extended the deadline for completion of the investigation to December 18, 1987.

ACTION

Having reviewed the ID, the submissions of the parties, and the record in this investigation, the Commission has determined that there is no violation of section 337. More specifically, the Commission has reached the following conclusions:

1. Claims 1, 2, 6, and 10–12 of the '894 patent and claim 12 of '838 patent are

invalid under 35 U.S.C. 112 for indefiniteness.

2. Claim 9 of the '894 patent is invalid under 35 U.S.C. 132 as drawn to new matter.

3. All of the allegedly infringed claims of the '894 and '838 patent are invalid under 35 U.S.C. 112 for failure to disclose the best mode.

4. All of the allegedly infringed claims of the '894 patent are invalid under 35 U.S.C. 112 for lack of an enabling disclosure.

5. All of the allegedly infringed claims of the '894 patent are invalid as anticipated under 35 U.S.C. 102 or for obviousness under 35 U.S.C. 103 in view of the prior art.

6. All of the allegedly infringed claims of the '838 patent are invalid for obviousness under 35 U.S.C. 103 in view of the prior art.

7. If the patents were valid, the Dai Won process would infringe the asserted claims of the '894 patent, but would not infringe the '838 patent.

8. If the patents were valid, the manufacturing processes of Kyung-Won and Dong Hwa by evidentiary inferences would infringe the asserted claims of the '894 and '838 patents.

9. There is a domestic industry in the exploitation by the complainant of the '894 patent, which is efficiently and economically operated.

10. If the '894 patent were valid, the respondents have imported and sold plastic fasteners in the United States and such importation and sale would have the effect or tendency to destroy or substantially injure the domestic industry based upon the '894 patent.

11. There is no domestic industry exploiting the '838 patent nor is there prevention of establishment of such an industry by the accused imports.

Additionally, the Commission has specifically determined not to adopt the ALJ's determination with respect to the enforceability of the '894 and '838 patents. The Commission has also determined to adopt those portions of the Initial Determination that are not inconsistent with this Action and Order or the Commission's supplemental opinion, which will be issued shortly.

Order

Accordingly, it is hereby Ordered that—

1. This investigation is terminated with a finding of no violation of section 337; and

2. The Secretary shall serve copies of this Commission Action and Order upon each party of record to this investigation and publish notice thereof in the **Federal Register.**

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 21, 1987.

[FR Doc. 87-29916 Filed 12-29-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-266]

Certain Recloseable Plastic Bags and Tubing; Determination Not To Review Initial Determination Finding Respondents in Default

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of initial determination (ID) finding eight respondents in default.

SUMMARY: Notice is hereby given that the Commission has determined not to review the presiding administrative law judge's (ALJ's) ID finding respondents Hogn Ter Product Co., Ltd. (Hogn Ter), Insertion Advertising Corp. (Insertion), Ka Shing Corp. (Ka Shing), Nina Plastic Bags, Inc. (Nina Plastic), Siam Import-Export Ltd. (Siam Import), Ta Sen Plastic Industrial Co., Ltd. (Ta Sen), Teck Keung Manufacturing Ltd. (Teck Keung), and Tracon Industries Corp. (Tracon) in default in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 CFR 210.53).

On October 9, 1987, the ALJ ordered (Order No. 29) respondents Hogn Ter, Insertion, Ka Shing, Nina Plastic, Siam Import, Ta Sen, Teck Keung, and Tracon to show cause why each should not be held in default for failure to properly respond to the complaint and notice of investigation. No proper responses were received.

On November 19, 1987, the ALJ issued an ID (Order No. 44) finding respondents Hogn Ter, Insertion, Ka Shing, Nina Plastic, Siam Import, Ta Sen, Teck Keung, and Tracon in default pursuant to Commission rule 210.25 (19 CFR 210.25). No petitions for review of the ID were received nor were any Government agency comments received.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: December 21, 1987.

[FR Doc. 87-29917 Filed 12-29-87; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 69]

Perishables Tariff Bureau-Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of show-cause proceeding.

SUMMARY: The Commission has made preliminary findings relating to the application of Perishables Tariff Bureau (PTB) for approval of its collective ratemaking agreement and directed PTB to show cause: (1) Why it and its member carriers should not be directed to cease and desist from engaging in certain collective ratemaking activity; and (2) why any claimed antitrust immunity should not be revoked. This action is taken to update the record in this proceeding in light of statutory changes made by the Motor Carrier Act of 1980 and to ensure compliance with all requirements for rate bureaus continuing to receive antitrust immunity for collective activity.

DATES: PTB's response to the show cause order is due January 29, 1988. Comments from other parties are due February 29, 1988. PTB's rebuttal is due March 21, 1988.

FOR FURTHER INFORMATION CONTACT: J.R. Hodge, (202) 275-7890. [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy contract Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission, Washington, DC 20423, or call (202) 289-4357, (assistance for the hearing impaired is available through TDD Services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 11701, 10706, and 10321.

Decided: December 18, 1987.

By the Commission, Chairman Gardison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29894 Filed 12-29-87; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Applications To Consolidate, Merge or Acquire Control; Red and Tan Enterprises

Decided: December 22, 1987.

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1. Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. If the protest includes a request for oral hearing, the request shall meet the requirements of 49 CFR 1182.3 and shall include the required certification. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding.

In the absence of legally sufficient protests as to the finance application or to any application directly related hereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notification of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Findings

The findings for these applications are set forth at 49 CFR 1182.6.

Noreta R. McGee,

Secretary.

MC-F-18857, filed November 23, 1987. RED & TAN ENTERPRISES (Enterprises) (126 North Washington Ave., Bergenfield, NJ 07621)—CONTINUANCE IN CONTROL—RED & TAN CHARTER, INC. (Charter) (126 North Washington Ave., Bergenfield, NJ 07621). Representative: Michael J. Marzano, 99 Kinderkamack Road, Westwood, NJ 07675. Enterprises, a noncarrier, seeks to continue in control of Charter, which has an application pending in No. MC-204842 for common carrier authority to transport passengers in charter and special operations between points in the United States (except Hawaii). Enterprises currently controls, with Commission approval, Rockland Coaches, Inc. (No. MC-29890), The Hudson Bus Transportation Co., Inc. (No. MC-29854), North Boulevard Transportation Co. (No. MC-13492), and Red & Tan Tours (No. 162174), all of which are common carriers. Enterprises is controlled by Ernest A. Capitani, Jr., Amelia Capitani Gerace, Richard A. Capitani, Ronald Gerace, Janis Gerace, Lori Finley, Arleen Schmidt, and Mildred Capitani.

[FR Doc. 87-29893 Filed 12-29-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31177]

Maryland Midland Railway, Inc.; Exemption Operation; Lines of Western Maryland Railway Co.

Maryland Midland Railway, Inc. (MMR) filed a notice of exemption to operate approximately 8 miles of rail line which the State of Maryland purchased from Western Maryland Railway Co. (WM), extending from milepost 24.30 near Cedarhurst, MD to milepost 32.28 near Westminster MD, in Carroll County, MD. Comments must be filed with the Commission and served on Henry E. Seaton, 525 McLachlen Bank Building, 11th and G Streets NW., Washington, DC 20001; (202) 347-8862.

This notice is related to Finance Docket No. 31188 in which MMR has filed a petition pursuant to 49 U.S.C. 10505 for exemption from the prior approval requirements of 49 U.S.C. 11343 to acquire from WM approximately 4.42 miles of rail line between Emery Grove, MD (milepost 19.88) and Cedarhurst, MD (milepost 24.3), together with an isolated 10-foot section near Westminster, MD. MMR intends to resume local and through service from points on its system to the new resulting interchange point with CSX Transportation Inc. at Emery Grove.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: December 17, 1987

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-29614 Filed 12-29-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; City of Auburn

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on August 7, 1987, a proposed Consent Decree in *United States* v. *City of Auburn*, was lodged with the United States District Court for the Northern District of New York. The Consent Decree concerns the City's failure to timely develop and implement a pretreatment program pursuant to its State Pollutant Discharge Elimination System permit in connection with the operation of its publicly owned treatment works.

Under the terms of the Consent Decree, the City will implement the pretreatment program that has been approved by EPA. Further, the city will pay a civil penalty in the amount of $43,000, for past violations, half of which is to be paid to the State of New York, and half of which is to be paid to the United States.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States* v. *City of Auburn*, D.J. Reference 90-5-1-1-2553.

The proposed Consent Decree can be examined at the office of the United States Attorney, 369 Federal Building, Syracuse, New York 13260 and at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. Copies of the proposed Consent Decree may also

be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Any request for a copy of the Consent Decree should be accompanied by a check in the amount of $1.50 ($0.10 per page) payable to "United States Treasurer."

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-29859 Filed 12-29-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 14, 1987 a proposed Consent Decree in *United States v. Kansas City Board of Public Utilities et al.*, Civil Action No. 87-2048-S, was lodged with the United States District Court for the District of Kansas. The proposed Consent Decree concerns violations of the New Source Performance Standards ("NSPS") 40 CFR Part 60, Subparts A and D. The proposed Consent Decree requires defendants, Kansas City Board of Public Utilities and the city of Kansas City, Kansas, to comply with the provisions of the NSPS and to install new air pollution control equipment at a cost of about $6.0 million Further, the defendants will pay a civil penalty of $168,519.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC. 20530, and should refer to *United States v. Kansas City Board of Public Utilities et al.*, D.J. Ref. No. 90-5-2-1-1016.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of Kansas, 812 North Seventh Street, Room 412, Kansas City, Kansas 66101 and at the Region VII, office of the United States Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

The Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.20 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Roger J. Marzulla,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-29840 Filed 12-29-87; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATE: Requests for copies must be received in writing on or before February 16, 1988. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force, Directorate of Administration, Records Management Branch (N1-AFU-87-2). Records relating to internal audits.

2. Department of the Air Force (N1-AFU-88-10). Records relating to non-appointed Air Force Academy candidates.

3. Department of the Air Force (N1-AFU-88-12). Records of the Air Force Academy pertaining to graduate scholarships and fellowships offered by foundations and universities.

4. Office of the Secretary of Defense, Department of Defense Dependent Schools (N1-330-88-1). Records relating to students attending Department of Defense dependent schools, including

transcripts, health records, cards, test results, and attendance records.

5. General Services Administration, Federal Supply Service (N1–137–88–1). Subject file relating to land grant railroads, 1920–55. Includes copies of correspondence, agreements, legislation, publications, and related reference materials.

6. War Assets Administration, abolished and functions transferred to the General Services Administration for liquidation in 1949 (N1–270–88–1). Non-permanent records of the War Assets Administration and its predecessor agencies, 1943–50. Records documenting the functions and activities of these agencies have been identified and designated for permanent retention in the National Archives.

7. Small Business Administration, Office of Administrative Services (N1–309–87–3). Field office general subject correspondence files and reduced retention period for sets of agency notices maintained by filed offices.

8. Department of State, Office of Foreign Missions (N1–59–87–9). Comprehensive schedule providing for the destruction of facilitative records and the permanent retention of policy documentation.

9. Department of Transportation, Maritime Administration (N1–357–88–1). Mobilization ship design records.

10. Department of the Treasury, Internal Revenue Service (N1–58–87–6). Revisions to Records Control Schedule 206, Service Centers.

11. Veterans Administration, Department of Medicine and Surgery (N1–15–88–1). Health Professional Scholarship Program administrative housekeeping records.

Dated: December 23, 1987.

James C. Megronigle,

Acting Archivist of the United States.

[FR Doc. 87–29847 Filed 12–29–87; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Design Advancement/Organizations Section) to the National Council on the Arts will be held on January 19–21, 1988, from 9:00 a.m.–5:30 p.m., and on January 22, 1988, from 9:00 a.m.–5:00 p.m. in room M–14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on January 22, 1988 from 2:30 p.m.–5:00 p.m. The topic for discussion will be policy issues.

The remaining sessions of this meeting on January 19–21, 1988, from 9:00 a.m.–5:30 p.m. and on January 22, 1988, from 9:00 a.m.–1:30 p.m. are for the purpose of review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87–29833 Filed 12–29–87; 8:45 am]

BILLING CODE 7537–01–M

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Film/Video Production Prescreening #2) to the National Council on the Arts, will be held on January 26–28, 1988, from 9:00 a.m.–6:00 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87–29834 Filed 12–29–87; 8:45 am]

BILLING CODE 7537–01–M

Meeting of the Office of Partnership Advisory Panel (State Programs Section)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Office of Partnership Advisory Panel (State Programs Section) to the National Council on the Arts will be held on January 20–21, 1988, from 9:00 a.m.–5:30 p.m., and on January 22, 1988, from 9:00 a.m.–5:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on January 20, 1988 from 9:00 a.m.–10:00 a.m. and 3:30 p.m.–5:30 p.m. and on January 21, 1988 from 9:00 a.m.–5:30 p.m. The topics for discussion will include full panel recommendations on applications, guidelines for Expansion Arts' Rural Arts Organizations and State Programs, State of the Arts Report, and State Programs Reassessment.

The remaining sessions of this meeting on January 20, 1988, from 10:00 a.m.–3:30 p.m. and on January 22, 1988, from 9:00 a.m.–5:00 p.m. are for the purpose of review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the

Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

December 22, 1987.

Yvonne M. Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 87–29835 Filed 12–29–87; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Statement of Organization, Functions, and Delegations of Authority

AGENCY: National Science Foundation.

ACTION: Notice of amendment to statement of organization, functions, and delegations of authority.

SUMMARY: In accordance with the Administrative Procedures Act (5 U.S.C. 551 et seq.), this notice amends the Statement of Organization that was published on January 14, 1987 (**Federal Register**, Volume 52, No. 9, Pages 1540–1549). This statement reflects the current organization of the National Science Foundation and is intended to advise the public of recent changes.

EFFECTIVE DATE: December 18, 1987.

FOR FURTHER INFORMATION CONTACT: M. Rebecca Winkler, National Science Foundation, Division of Personnel and Management, Room 208, Washington, DC 20550, telephone 202–357–9520.

I. Creation and Authority

The National Science Foundation (NSF) is an independent agency of the U.S. Government, established by the National Science Foundation Act of 1950, as amended, and related legislation, 42 U.S.C. 1861 et seq., and was given additional authority by the Science and Engineering Equal Opportunities Act (41 U.S.C. 1985), and Title I of the Education for Economic Security Act (99 Stat. 893; 20 U.S.C. 3911–3922).

A. Staff Offices

The Office of Science and Technology Centers Development (STC) was established in the Office of the Director to provide leadership and internal coordination during the development of the Foundation's new Science and Technology Centers Program. The Office provides a focal point for general inquiries about the S&T Centers Program; helps stimulate other sectors (industry, the States) to support and participate in S&T Centers; manages budget and planning activities related to the Program; develops relevant program announcements and proposal solicitations; coordinates the review of S&T Centers proposals; coordinates the management of Center awards; and tracks center and group research support activities across the Foundation.

B. Directorates

Directorate for Computer and Information Science and Engineering (CISE). The networking and communications research activities of the Division of Advanced Scientific Computing (ASC) were moved into a newly established Division of Networking and Communications Research and Infrastructure. The functional statement for ASC now reads:

The Division of Advanced Scientific Computing (ASC) provides researchers access to advanced computational facilities located at several centers, provides a variety of services and training opportunities to new users, supports research on new algorithms, peripheral devices, and innovative supercomputing systems. The Centers program is devoted to delivering needed advanced computational services to the academic research community and to maintaining and improving supercomputer performance at the facilities. The New Technologies program is responsible for research and development and implementation of novel systems for increasing the future power and expanding the horizon of computational capabilities for frontier scientific and engineering research.

The Division of Networking and Communications Research and Infrastructure (NCRI) has a three-fold responsibility. NSFNET's mission is improving scientific networking infrastructure for both supercomputing and general research productivity improvement. EXPRES is charged with experimenting with and developing a system for exchanging compound documents among academic researchers. The Networking and Communications Research Program supports research in networking and communication theory including such topics as digital communications networks, communications and information theory, network architectures, distributed systems, and digital encryption and data security.

Directorate for Engineering (ENG)

The Division of Foundamental Research in Emerging and Critical Engineering Systems was reorganized into two Divisions: the Division of Fundamental Research in Emerging Engineering Technologies (EET) and the Division of Fundamental Research in Critical Engineering Systems (CES).

The Division of Fundamental Research in Emerging Engineering Systems (EET) supports fundamental research to increase the knowledge and human resources base in emerging engineering systems, which encompass technical areas that cut across traditional engineering disciplinary lines. Emerging Engineering Systems are those that show great promise for enhancing the Nation's economy, employment base, security and international competitiveness, and for which the Nation's universities do not yet have an adequate research and human resources base. Major research areas within this Division include Biotechnology, Lightwave Technology, Bioengineering and Research to Aid the Handicapped, Computational Engineering and Neuroengineering.

The Division of Fundamental Research in Critical Engineering Systems (CES) supports fundamental research to expand the knowledge base in critical engineering systems which encompass technical areas that cut across traditional engineering disciplinary lines. Critical Engineering Systems are those that are essential, either because they significantly affect the economic viability and security needs of the Nation, or because they are required in maintaining the public infrastructure. Major research areas within this Division include Earthquake Hazard Mitigation, Natural and Man-made Hazard Mitigation, Environmental Engineering, and Systems Engineering for Large Structures.

Date: December 24, 1987.

Jeff Fenstermacher,

Assistant Director for Administration.

[FR Doc. 87–29895 Filed 12–29–87; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-416]

Mississippi Power and Light Co., System Energy Resources, Inc., and South Mississippi Electric Power Association

Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.55a(c)(1) to Mississippi Power and Light Company, et al. (the licensee), for the Grand Gulf Nuclear Station, Unit No. 1, (the facility) located in Claiborne County, Mississippi.

Environmental Assessment

Identification of Proposed Action:

The Commission's rules at 10 CFR 50.2 and 10 CFR 50.55a(c)(1) require that reactor coolant pressure boundary (RCPB) piping extend out to the outboard containment isolation valve and that RCPB piping meet the requirements for Class 1 components in Section III of the ASME Boiler and Pressure Vessel Code (ASME Code). By letter dated November 25, 1987, as revised December 10, 1987, the licensee requested an exemption from 10 CFR 50.55a(c)(1) to permit continued use of a section of RCPB piping in the reactor water cleanup (RWCU) system, although it is classified as ASME Code, Class 2, provided an ASME Code, Section III, Class 1, stress analysis is performed and provided this piping is included in the ASME Code, Section XI, Class 1, inservice inspection program.

The Need for the Proposed Action

In order to meet all ASME Code, Class 1, criteria required by the regulation, the affected section of piping would need to be replaced. The plant is currently in a refueling outage and the replacement of this piping is estimated by the licensee to add about 10 days to the outage with consequent significant fuel replacement costs, in addition to significant engineering and construction costs. The alternative proposed by the licensee is to demonstrate by a stress analysis that the piping meets ASME Code, Section III, Class 1, allowable stress criteria and to inspect the piping in accordance with ASME Code, Section XI, Class 1, inservice inspection criteria. The licensee contends that this proposal achieves the underlying purpose of § 50.55a(c)(1) without imposing an undue delay in startup from the present refueling outage.

Environmental Impacts of the Proposed Action

The proposed exemption involves a change in the installation or use of the facility's components located entirely within the restricted area as defined in 10 CFR Part 20. Our evaluation of the proposed exemption from 10 CFR 50.55a(c)(1) indicated that the proposed exemption involves no significant increase in the amounts, and no significant change in the types of any radioactive effluents that may be released offsite because there is no change to the piping or operation. Our evaluation also indicated that there is no significant effect of the proposed exemption on the probability or consequences of an accident because this section of piping would be essentially equivalent to ASME Code, Class 1, piping. Therefore, this section of piping would have essentially the same margin to pipe failure. The pipe materials, valves and welding meet ASME Code, Class 1, criteria and the piping will be stress analyzed and inspected to ASME Code, Class 1, criteria. The piping cannot be re-stamped as ASME Code, Class 1, because it was procured to ASME Code, Class 2, requirements. The ASME Code, Class 1, inservice inspection would result in an increase in occupational radiation exposures because this inspection is more extensive than inspection to ASME Code, Class 2, criteria; however, personnel exposures would not be significantly increased because this section of RWCU piping is a small fraction of the reactor coolant pressure boundary that is inspected to ASME Code, Class 1, criteria. The proposed exemption does not affect any other occupational radiation exposures because no change in system equipment or operation is involved. The exemption does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the staff has concluded there are no significant environmental impacts from the proposed action, any alternatives would have equal or greater environmental impacts.

The principal alternative would be to deny the requested exemption. Such an action would not reduce environmental imapcts of plant operation.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement for the Grand Gulf Nuclear Station, Unit 1, dated September 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did no consult with any other agencies or persons.

Finding of no Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated November 25, 1987, as revised December 10, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Bethesda, Maryland, this 23rd day of December 1987.

For the Nuclear Regulatory Commission.

Elinor Adensam,

Director, Project Directorate II-1, Division of Reactor Projects-1/II, Office of Nuclear Reactor Regulation.

[FR Doc. 87-29887 Filed 12-29-87; 8:45 am]

BILLING CODE 7590-01-M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from December 7, 1987 through December 18, 1987. The last biweekly notice was published on December 16, 1987 (52 FR 47775).

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resource Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 29, 1988 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General

Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendments request: December 9, 1987

Description of amendments request: The proposed change would change the Radioactive Effluent Release Report requirements of Technical Specification (TS) 6.9.1.9 to allow the use of historical annual average meteorological data to determine the doses due to the routine release of radioactive gaseous effluents. In addition, the spelling of the word "or" would be corrected in the same paragraph of the TS.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed amendment against the standards in 10 CFR 50.92 and has determined:

(1) The proposed change will not increase the probability or consequences of an accident previously evaluated. The gaseous pathway doses that are reported in the routine radioactive effluent release reports are the result of routine normal operation of the plant. The methodology used to calculate these doses is not related to any accident analyses. Therefore, the proposed change, which would allow the use of historical annual average meteorological conditions in calculating gaseous pathway doses, is administrative in nature and will not increase the probability or consequences of an accident previously evaluated.

(2)The proposed change will not increase the possibility of a new or different kind of accident from any previously evaluated because neither the plant design nor plant operation will be changed. The proposed change only affects the meteorological input used in calculating the gaseous pathway doses due to routine radioactive effluent releases. Therefore, the proposed change cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The proposed change will not involve a reduction in a margin of safety because the proposed change is consistent with the guidance provided in NUREG-0311, Regulatory Guide 1.111, and the Standard Review Plan. As stated above, the proposed change only involves a change in the meteorological input (i.e., annual average as opposed to real time) used in calculating gaseous pathway doses. An annual summary of hourly meteorological data will still be provided as required by Specification 6.9.1.9. Therefore, this change will not involve a reduction in a margin of safety.

Based on the above, the licensee has determined that the proposed amendment does not involve a significant hazards consideration. The NRC staff has reviewed the licensee's no significant hazards consideration. determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303

Attorney for licensee: Ernest L. Blake, Esquire, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: Elinor G. Adensam

Arizona Public Service Company, et al., Docket Nos. STN 50-529 and STN 50-530, Palo Verde Nuclear Generating Station (PVNGS), Units 2 and 3, Maricopa County, Arizona

Date of amendment request: September 14, 1987 as revised by letter dated October 1, 1987.

Description of amendment request: The proposed amendments would revise Technical Specification 5.3.1 in each of the two licenses (NPF-51 and NPF-74 for Palo Verde, Units 2 and 3, respectively) by changing the maximum enrichment for reload fuel from 4.0 to 4.05 weight percent U-235.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided guidance for determining whether a proposed amendment involves a significant hazards consideration and has provided examples of amendments that are not likely to involve a significant hazards consideration (51 FR 7751). Example (iii) in 51 FR 7751 is as follows: (iii) For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable.

The staff considers the proposed amendments to be similar to example (iii) since they are directly related to a reactor core reloading and the fuel assemblies are not significantly different than those previously found acceptable for the initial core reloading at Palo Verde. The only difference is the proposed increase for maximum fuel enrichment from 4.0 to 4.05%. In addition, no significant changes are being made to the previously approved acceptance criteria for the technical specifications or to the analytical methods used to demonstrate conformance with the specifications and regulations.

Accordingly, the Commission has proposed to determine that the above chnage does not involve a significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, Business, Science and Technology

Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton

Arizona Public Service Company, et al., Docket Nos. STN 50-528, STN 50-529, and STN 50-530, Palo Verde Nuclear Generating Station (PVNGS), Units 1 and 2, Maricopa County, Arizona

Date of amendment request: November 20, 1987

Description of amendment request: The proposed amendments would revise Table 3.3-6 in Technical Specification 3.3.3.1, "Radiation Monitoring Instrumentation," for each of the three licenses (NPF-41, NPF-51 and NPF-74 for Palo Verde Units 1,2 and 3, respectively) by replacing the present detectable range of the two main steam line effluent monitors from 10^{-3} - 10^{4} R per hour (i.e., 10^{10} - 10^{7} mR per hour) with the appropriate measurement range of 10^{10} - 10^{5} mR per hour, consistent with Regulatory Guide 1.97.

Basis for Proposed No Significant Hazards Consideration Determination: The Commission has provided guidance for determining whether a proposed amendment involves a significant hazards consideration and has provided examples of amendments that are not likely to involve a significant hazards consideration (51 FR 7751). Example (i) in 51 FR 7751 is as follows: (i) A purely administrative change to technical specification: for example, a change to achieve consistency throughout the technical specifications, correction of an error or a change to nomenclature.

The staff considers the proposed amendments to be similar to example (i) since they involve a correction to the range of accurately measured detectable radiation for the two main steam line effluent monitors.

Accordingly, the Commission has proposed to determine that the above change does not involve a significant hazards consideration.

Local Public Document Room location: Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

Attorney for licensees: Mr. Arthur C. Gehr, Snell & Wilmer, 3100 Valley Center, Phoenix, Arizona 85007.

NRC Project Director: George W. Knighton

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, LaSalle County Station Unit Nos. 1 and 2, LaSalle County, Illinois

Date of amendment request: August 24, 1987

Description of amendments request: The proposed amendments to Operating License No. NPF-11 and Operating License No. NPF-18 would revise the LaSalle Units 1 and 2 Technical Specifications to revise the wording of the Jet Pump Operability Technical Specification Surveillance to require balanced drive flow rather than equal flow control valve position. The changes are administrative in nature to perform the surveillance with what the licensee believes to be the intent of the specifications. The wording of Technical Specification 4.4.1.2.1 is based on the assumption that given pumps of equal pumping capacity and identically calibrated control systems, equal indicated FCV positions should produce equal drive loop flows. Therefore, Commonwealth Edison believes the intent of the specification is to balance loop drive flows before performing the jet pump operability surveillance. This interpretation is consistent with the requirements of Technical Specification 3.4.1.3, which limits drive flow mismatch to less than 5% (with core flow greater than 70% of rated core flow), and intends to enforce balanced loop flows.

Using specification 3.4.1.3 as a guide, the criteria for balanced drive flows for performance of surveillance 4.4.1.2.1 shall be that the indicated drive flow difference be within 5% of rated recirculation flow. In this manner, system differences or changes throughout plant life which affect the FCV position versus drive flow relationship will not impede the successful performance of the surveillance.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined, and the NRC staff agrees, that the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because this proposed change of the Technical Specifications is an administrative change to clarify the conditions necessary to perform the jet pump operability surveillance and correct typographical errors.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because this proposed change of the Technical Specifications is an administrative change to clarify the conditions necessary to perform the jet pump operability surveillance and correct typographical errors.

3. Involve a significant reduction in the margin of safety because this proposed change of the Technical Specifications is an administrative change to clarify the conditions necessary to perform the jet pump operability surveillance and correct typographical errors. Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards consideration.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Attorney to licensee: Joseph Gallo, Esq., Isham, Lincoln and Beale, Suite 1100, 1150 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller

Commonwealth Edison Company, Docket No. 50-373, LaSalle County Station, Unit No. 1, LaSalle County, Illinois

Date of amendment request: August 25 and November 17, 1987

Description of amendment request: The proposed amendment to Operating License No. NPF-11 would revise the LaSalle Unit 1 Technical Specifications to change the identification of the compartment in which the normal and emergency supply breakers for the Shutdown Cooling Isolation Valve (1E12 F0009) are located. This change was required because the licensee has replaced the motor operator with a larger capacity motor operator to increase the reliability of the valve. The new, larger capacity operator requires the use of larger capacity breakers which will not fit into the existing cubicles. The replacement breakers will be installed in larger compartments

within the same Motor Control Center (MCC's) as the originals. This change is purely administrative in nature to correct the identification of these new cubicle locations.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples of actions not likely to involve a significant hazards consideration (48 FR 14870). One of the examples (i) relates to purely administrative changes to technical specifications; for example, a change to achieve consistency throughout the technical specifications, correct errors, or change nomenclature. The proposed change is purely administrative and corrects the identification of new cubicle locations. Based on the above, since the proposed change involves actions that conform to example (i), the staff proposes to determine that this application for amendment involves no significant hazards consideration.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Attorney to licensee: Joseph Gallo, Esq., Isham, Lincoln and Beale, Suite 1100, 1150 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller

Commonwealth Edison Company, Docket No. 50-373 , and 50-374 LaSalle County Station, Unit Nos. 1 and 2, LaSalle County, Illinois

Date of amendment request: November 9, 1987

Description of amendment request: The proposed amendment to Operating License No. NPF-11 and Operating License No. NPF-18 would revise the LaSalle Units 1 and 2 Technical Specifications to conform with the LER Rule, 10 CFR 50.73. The proposed amendments will change the wording in Technical Specification 6.1.G.1.7 from "Reportable occurrences requiring 24-hour notification to the NRC" to "All Reportable Events."

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples of actions not likely to involve a significant hazards consideration (48 FR 14870). One of the examples (i) relates to purely administrative changes to technical specifications; for example, a change to achieve consistency throughout the technical specifications, correct errors, or change nomenclature. The proposed change is administrative and would change wording to allow the Technical Specification to conform to 10 CFR 50.73. Based on the above, since the proposed change involves actions that conform to example (i), the staff proposes to determine that this application for amendment involves no significant hazards consideration.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Attorney to licensee: Joseph Gallo, Esq., Isham, Lincoln and Beale, Suite 1100, 1150 Connecticut Avenue, NW., Washington, DC 20036.

NRC Project Director: Daniel R. Muller

Commonwealth Edison Company, Docket No. 50-254, Quad Cities Nuclear Power Station, Unit 1, Rock Island County, Illinois

Date of application for amendment: November 17, 1987

Description of amendment request: Commonwealth Edison Company (CECo, the licensee) submitted an amendment request to revise Appendix A of DPR-29, Technical Specifications (TS), because of modifications to the Standby Liquid Control System (SBLC) accomplished in accordance with the requirements of 10 CFR 50.62. Consistent with SBLC system modifications, TS 3.4.A, 4.4.A and Figure 3.4-1 would be revised to reflect new system flow rates, boron concentration and volume, two pump operation, and surveillance requirements. Associated TS bases would also be revised.

Basis for proposed no significant hazards consideration determination: 10 CFR 50.62(c)(4) requires a SBLC system with a minimum flow capacity and boron content equivalent to 86 gpm of 13 weight percent sodium pentaborate solution. For Quad Cities Unit 1, this is being accomplished by modifying the SBLC system to allow dual pump operation (80 gpm combined flow rate) and revising TS to require a 14% minimum concentration. The original amount of total boron injection has not been altered, just the injection rate.

The Commission has provided standards for determining whether a significant hazards consideration exists as stated in (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequence of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. In accordance with 10 CFR 91(a), the licensee has provided the following analysis in their amendment application addressing these three standards.

CECo has analyzed this proposed amendment and determined that operation of the facility, in accordance with the proposed amendment, would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because TS changes do not alter the total amount of boron injection previously required by TS, thereby maintaining the previous shutdown reactivity capability. This amendment is needed to implement the requirements of 10 CFR 50.62 and has no impact on systems or equipment that could potentially initiate or impact the probability of an accident. The boron injection rate was increased by modifications to the SBLC system in order to improve accident initiation capabilities and reduce potential consequences of an accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated, because the only function of the SBLC system is to provide backup shutdown capability. System modifications and TS revisions do not affect any other systems or equipment which could initiate an accident. Although dual pump operation will increase total boron flow rate, the system continues to be isolated from inadvertent actuation and injection into the reactor vessel by fail safe explosive squib valves (provide high assurance of opening, and extra protection against undesired admission).

3. Involve a significant reduction in the margin of safety, because overall shutdown reactivity capability (i.e. total boron injection) of the SBLC system was not reduced. The proposed amendment supports required modifications which will increase the SBLC system injection rate, thereby increasing not reducing, the margin of safety for Anticipated Transient Without Scram (ATWS) events.

Based on the proceeding analysis and a preliminary review of the license amendment request the Commission has determined that the proposed TS changes would not involve Significant Hazards Considerations.

Local Public Document Room location: Dixon Public Library, 221

Hennephin Avenue, Dixon, Illinois 61021.

Attorney to licensee: Michael I. Miller, Esq., Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NRC Project Director: Daniel R. Muller

Commonwealth Edison Company, Docket Nos. 50-295, Zion Nuclear Power Station, Unit No. 1, Lake County, Illinois

Date of application for amendment: September 22, 1987, modified by letter dated October 27, 1987.

Description of amendment request: During the last Unit 1 outage, two inaccessible snubbers were found with the hydraulic fluid supply ports uncovered. In accordance with Section 4.22.2.A.1, these snubbers are to be considered inoperable for the purpose of establishing the next visual inspection interval. A subsequent visual inspection is required by Section 4.22.2.A.1 to be conducted within 12 months (plus or minus 3 months). The snubbers that would be required to be inspected are inaccessible with the Unit above hot shutdown (Mode 3). The Unit 1 inaccessible snubber visual inspection was completed on November 20, 1986. This would require the next inspection to be conducted on November 20, 1987 plus or minus three months. The Unit is scheduled to be at power for the duration of this time period and a Unit shutdown would be required to perform this inspection. Therefore, to prevent the shutdown of Unit 1 solely to perform the snubber inspection, that inspection must be delayed until the beginning of the next scheduled Unit 1 refueling outage, tentatively scheduled for February/March, 1988.

In summary, this proposed change involves the one-time alteration of the allowable snubber inspection periods. Unit 1's inspection will be delayed by approximately 30 days. This alteration will prevent a forced shutdown of Zion Unit 1.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequence of an accident previously evaluated; (2) create the possibility of a new or different kind of accident of from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The license provided the following discussion regarding the above three criteria:

Criterion 1

An amendment to the Zion facility operating license is proposed to allow the performance of required visual snubber inspections to take place during scheduled refueling outages. This will preclude a forced shutdown of the Zion Unit 1. This proposed change will involve an approximate 30 day delay in the performance of Unit 1 snubber inspection.

The alteration of the inaccessible snubber inspection intervals on a one-time basis has no relationship to the probability of any of the accidents previously evaluated. The initiating events associated with the accidents contained in Zion's FSAR have been reviewed. None of these events are adversely affected by the one-time alteration of inaccessible snubber inspections.

As discussed on page 295AA8 of the Zion Technical Specifications, the "inspection frequency is based upon maintaining a constant level of snubber protection". The approximate 30-day delay in the performance of Unit 1's snubber exam corresponds to an 8% increase in the allowed inspection period beyond the existing requirements. This small delay will not adversely affect the level of snubber protection afforded Unit 1.

Thus, the proposed one-time alteration of the allowable inaccessible snubber visual inspection periods will not significantly alter the level of snubber protection at Zion Station. The snubbers' performance will not be altered by this proposed amendment.

Therefore, based upon the above discussion, the proposed amendment will not involve a significant increase in the probability or consequences of any previously evaluated accidents.

Criterion 2

The one-time alteration of the allowable inspection periods for the inaccessible snubbers will have no effect on the performance of any of Zion's systems or structures. The snubber inspection frequency likewise has no interaction with any external events such as tornadoes or floods.

Since the allowable snubber inspection periods hold no potential for any adverse interaction, no new or different kind of accident is feasible. Therefore, this proposed amendment will not create the possibility of a new or different kind of accident.

Criterion 3

As discussed, above the one-time alteration of the allowable inspection period for inaccessible snubbers will have no effect on the overall level of snubber protection at Zion Station. As a result, this proposed amendment will not involve a significant reduction in the margin of safety.

Therefore, since the application for amendment satisfies the criteria specified in 10 CFR 50.92, Commonwealth Edison Company has made a determination that the application involves no significant hazards consideration.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specification involve no significant hazards consideration.

Local Public Document Room location: Waukegan Public Library, 128 N. County Street, Waukegan, Illinois 60085.

Attorney to licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Project Director: Daniel R. Muller

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of amendment request: July 23, 1987

Description of amendment request: The proposed amendment would revise Facility Operating License No. DPR-6 to make administrative changes to the Big Rock Point Plant Technical Specifications. The proposed changes would: correct accumulated editorial and typographical errors; capitalize defined terms consistent with the practice in the Standard Technical Specifications; correct references to the revised Code of Federal Regulations; correct titles of senior onsite managers and other organizational elements; and delete the Technical Specification and Order for Modification of License associated with environmental qualification of electrical equipment.

Basis for proposed no significant hazards consideration determination: The Commission has provided examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751, March 6, 1986). Example (i) relates to a purely administrative change to Technical Specifications, such as a change to achieve consistency throughout the

Technical Specifications, correction of an error, or a change in nomenclature. Most of the proposed changes fit this category, as they include capitalizing defined terms in accordance with standard format, correcting typographical and editorial errors overlooked in previous amendments and changing references for certain reporting requirements in accordance with recent changes to the Code of Federal Regulations.

Example (i) also applies to the proposed organizational changes, that involve changes to titles. The proposed changes to Figure 6.2-1 of the Big Rock Point Technical Specifications would modify the title of "Plant Superintendent" to "Plant Manager," with no change in that individual's responsibility. Several existing corporate positions would be added to the figure for completeness and for consistency with the Palisades Technical Specifications. Additionally, the Director of Nuclear Safety would be designated as Chairman of the Nuclear Safety Board (NSB), replacing the Executive Director of Nuclear Assurance in that capacity. However, both individuals would still serve as Board members; this change would merely formalize current practice, in which, as Vice Chairman of the NSB, the Director of Nuclear Safety effectively presides over NSB activities. This change would also be consistent with a recent amendment to the Palisades Technical Specifications.

An additional organizational change would reassign the corporate responsibility for the overall fire protection program to the Manager of Information and Operations from the Director of Property Protection. This transfer of responsibility is not significant in that both positions report to the Vice President of General Services. Further, the responsibility for the site fire protection program remains with the Plant Manager. Consequently, this proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated, nor does it create the possibility of a new or different accident, nor involve a significant reduction in a margin of safety; as the fire protection program itself, the corporate oversight of the program, and the independent control over implementation at the site would remain unchanged.

Example (vii) of amendments not likely to involve significant hazards considerations relates to changes to conform a license to changes in the regulations, where the license change results in very minor changes to facility operations, clearly in keeping with the regulations. The remaining proposed changes would delete the Order for Modification of License, dated October 24, 1980, and Technical Specification Section 6.13, which relate to environmental qualification of electrical equipment. These requirements have been superseded by Title 10, Part 50.49 of the Code of Federal Regulations. The proposed change would not affect facility operations and would conform to changes in the regulations.

On these bases, the Commission's staff proposes to determine that the requested amendment does not involve a significant hazards consideration. The proposed changes are administrative in nature and do not involve changes to existing plant equipment, procedures or administrative controls. Therefore, the proposed changes do not involve a significant increase in probability or consequences of a previously evaluated accident; they do not create the possibility of a new or different kind of accident from any accident previously evaluated; nor do they involve a significant reduction in a margin of safety.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Project Director: Martin J. Virgilio

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: June 29, 1987, as supplemented December 4, 1987

Description of amendment request: The proposed amendments would revise Technical Specification (TS) Table 4.3-1, "Reactor Trip Systems Instrumentation Surveillance Requirements" to delete the requirement to test the reactor coolant flow rates in the bypass loops in which Resistance Temperature Detectors (RTDs) are installed to measure the hot leg and cold leg temperatures. The flow rates affect the time response of the temperature signals which are needed for reactor controls and protection. The licensee proposes to remove the RTD bypass manifolds and to place the RTDs directly in the hot leg and cold leg pipes, thereby eliminating the need for bypass flow testing requirements. The proposed station modifications are scheduled to be made during outages in January 1988 for Unit 2 and in January 1989 for Unit 1.

For Unit 2, the proposed modifications will begin before the next flow rate verification tests are required by the TS. For Unit 1, however, the next flow rate verification tests are due in May 1988 according to the TS requirement for flow rate verification tests every 18 months. The proposed amendments would exempt the licensee from the requirement to perform these tests just a few months before the Unit 1 bypass loop will be removed.

In its letters of June 29 and December 4, 1987, the licensee provided the following justifications for the proposed change:

1. The performance of the RTD Bypass Loop flow rate test involves four people (two Nuclear Equipment Operators, one Performance Technician and one Health Physics Technician) spending four hours each in lower containment, which results in a significant dose to those involved.

2. There is minimal potential for flow blockage in the 2-inch and 3-inch diameter bypass lines.

3. Individual low flow alarms with individual status lights for each reactor coolant loop bypass flow are provided on the main control board. The alarm and status lights provide the operator with immediate indication of low flow condition in the bypass loops associated with any reactor coolant loop. If the RTD Bypass Loop flow rate for Loop A, B, C or D decreases to 90% of its initial measured value, an annunciator alarms in the control room. Since the initial measured values for all of the loop flows are well above the minimum acceptable flow rates, the control room annunciator will alarm well in advance of any loop flow rate dropping below the acceptance criterion flow rate.

4. Local indicators are provided to monitor total flow through the RTD bypass manifolds for each loop. The indicators are located inside containment but are accessible during power operations. These indicators will be monitored quarterly, as well as following any bypass low flow alarm or following a period when a bypass loop has been out of service.

5. The deletion of the flow rate verification tests will have no effect upon the ability of the RTDs to perform their intended safety functions.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a

facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendments will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the deletion of the bypass flow rate verification tests will not degrade the safety aspects of the RTD temperature measurement capability. Low bypass flow rates will continue to be alarmed in the control room, and the flow rates will continue to be measured quarterly on the local flow rate indicators.

The proposed amendments will not (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the design and operation of the plant will be unaffected and no new plant configurations are introduced.

The proposed amendment will not (3) involve a significant reduction in a margin of safety because of the continued availability of the local flow rate indicators and of the low flow alarms in the control room.

Based on the above considerations, the Commission proposes to determine that the proposed amendment involves no significant hazards considerations.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Kahtan N. Jabbour, Acting Director

Duke Power Company, et al., Docket No. 50-414, Catawba Nuclear Station, Unit 2, York County, South Carolina

Date of amendment request: December 4, 1987

Description of amendment request: The proposed amendment would revise License Condition 2.C.(8)(b) of Catawba Unit 2 Facility Operating License NPF-52 to: (1) make it consistent with the NRC staff's conclusions contained in a September 4, 1987, letter to the licensee (from J. H. Sniezek, NRC, to H. B. Tucker, Duke), and (2) allow an extension of time for the resolution of the Safety Parameter Display System (SPDS) issue. The extension would be for one complete cycle of operation. Thus, the license condition proposed by the licensee would read:

Prior to startup following the second refueling outage, Duke Power Company shall add to the existing SPDS and have operational the following SPDS parameters: (a) residual heat removal flow, (b) containment isolation status, (c) stack radiation measurements, and (d) steam generator or steamline radiation. The actual value of these and all other SPDS variables should be displayed for operator viewing in easily and rapidly accessible display formats.

Basis for proposed no significant hazards consideration determination: Supplement 1 to NUREG-0737 required licensees to install an SPDS which provides a concise display of critical plant variables to control room operators to aid them in rapidly and reliably determining the safety status of the plant.

In February 1986, the NRC staff issued the low-power Facility Operating License, NPF-48, for Catawba Unit 2 along with Supplement 5 to the Safety Evaluation Report. Supplement 5 concluded that the Catawba SPDS does not fully meet the applicable requirements of Supplement 1 to NUREG-0737. However, since the staff did not identify any serious safety concerns with the existing system, the Catawba SPDS may be operated as an interim implementation until startup following the first refueling outage.

The SER identified five parameters and the backup display as modifications needing to be made to the Catawba SPDS. These requirements were imposed as License Condition 2.C.(9)(b) of the low-power Facility Operating License, NPF-48, and later as License Condition 2.C.(8)(b) in the full-power Facility Operating License, NPF-52.

On March 25, 1986, the licensee identified the requested changes as a plant-specific backfit and requested that the NRC staff prepare a backfit analysis. By letter dated June 13, 1986, the staff denied the licensee's backfit claim. On March 26, 1987, the licensee appealed the staff's denial of the backfit claim. By letter dated September 4, 1987, the staff concluded that 4 of the 5 parameters identified in Supplement 5 along with the backup displays should be added. One of the five parameters previously required, hot leg temperature, was already included as an input into SPDS.

The licensee stated that a proposed resolution of the SPDS issue is in preparation, and that the four additional parameters would be added along with changes to the backup display. With NRC staff acceptance of this proposed resolution, modifications to the SPDS, including operator training and procedure revision, could be completed within six months. As currently scheduled, the Catawba Unit 2 first refueling outage should be completed by late February 1988.

The SPDS is not a safety-grade system and is not intended to fulfill the post-accident monitoring requirements of Regulatory Guide 1.97. All parameters, including the additional parameters, are already provided in the control room. It is therefore the licensee's conclusion that extension of the date for modification of the Catawba Unit 2 SPDS until startup following the second refueling outage does not involve any adverse safety considerations. The staff agrees with the licensee's evaluation for extending the implementation date by one complete cycle of operation.

The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment would not involve a significant increase in the probability of an accident previously evaluated because the SPDS is provided as an aid to the operator, all parameters displayed on the SPDS are provided separately in the control room, and the SPDS is not used for control functions.

The proposed amendment would not create the possibility of a new or different kind of accident than previously evaluated because the design and operation of Catawba Unit 2 will not be affected.

The proposed amendment would not cause a significant reduction in a margin of safety. The extension of time in which to resolve the SPDS issue and perform required modifications would have no impact on safety margins because the SPDS is intended to aid the operators and is not relied upon as a safety system.

Based on the above considerations, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South

Church Street, Charlotte, North Carolina 28242

NRC Project Director: Kahtan N. Jabbour, Acting Director

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: November 13, 1987 as supplemented December 11, 1987

Description of amendment request: The proposed amendments would modify the Technical Specifications (TSs) for Catawba Units 1 and 2 with the following changes:

Change 1 would revise the TSs to ensure that plant operation is consistent with the design and safety evaluation conclusions made in the Reload Safety evaluation (RSE) for Catawba Unit 2, Cycle 2. Most of the changes affect Unit 2 only. Unit 1 is included because the TSs are combined in one document applicable to both units. These changes are already in place for Unit 1.

Change 2 deals with the addition of the Boron Dilution Mitigation System (BDMS) for Unit 2. In particular, TSs 4.1.1.1.3; 4.1.1.1.4; 4.1.1.2.2; Table 3.3-1, item 6.b; Table 3.3-1, Action 5; Table 4.3-1, Note (9); 3/4.3.3.12; 4.9.1.3; and 3/4.9.2 reflect the addition of this system to Unit 2. These TSs would not apply to Unit 2 until prior to startup (Mode 2) to allow calibration and testing of the system so that it can be declared operable. In the interim between issuance of the License Amendments and Unit 2 entering Mode 2 following the first refueling outage, the requirements of the deleted TSs concerning the source range monitors will be administratively imposed by the licensee to ensure that there will always be adequate protection in the event of a boron dilution accident. The BDMS is already installed and operable for Unit 1.

Change 3 would delete Surveillance Requirement 4.3.3.12.1(b) because this surveillance is required only prior to startup (Mode 2) but the TS associated with this Surveillance Requirement is applicable in hot standby, hot shutdown and cold shutdown (Modes 3, 4, and 5, respectively).

Change 4 to TS 3.9.2.1, Action (a)(2), would delete the phrase "and control room" from the sixth line because it is a repeat of the same phrase in line 5. Thus, it is an editorial correction.

Change 5 regarding the addition of Action (d) to TS 3.9.2.1 would allow the plant to change modes if the Boron Dilution Mitigation System is inoperable. This statement already appears in TS 3.3.3.12 which covers all other applicable modes.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee, in its December 11, 1987 submittal, provided evaluations of the proposed changes with regard to these three standards:

Proposed Change 1 for Catawba Unit 2 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because the Westinghouse RSE (Attachment 3 to the licensee's letter of November 13, 1987) provides a discussion of each affected accident analysis and demonstrates that the changes required as a result of this reload will not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the RSE concludes that the amendment will not introduce any changes that will fall outside of the previously evaluated accidents. Operation in accordance with the proposed reload related changes will ensure that the plant is operated within the current design limits as discussed in the RSE.

3. Involve a significant reduction in a margin of safety because the RSE concludes that operation with the proposed amendments in place will not result in a plant condition outside of the already established safety analysis. Incorporation of the reload related changes will ensure that the plant is operated in accordance with the requirements as discussed in the RSE.

This change is applicable to Unit 2 only. Regarding proposed Change 1 for Catawba Unit 1, the Commission has provided standards for the determination that an amendment request involves no significant hazards consideration (51 FR 7744). One example of actions not likely to involve a significant hazards consideration is example (i) which relates to a purely administrative change to TSs to achieve consistency throughout the TSs, correction of an error, or a change in nomenclatre. Proposed Change 1 for Catawba Unit 1 is a purely administrative change which matches example (i) because the TSs for both Units are combined in a single document.

Proposed Change 2 for Catawba Unit 2 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of any previously evaluated accident because as long as Unit 2 is operated within the parameters specified, the previously accepted safety analyses for Unit 1 (which already has the BDMS installed and operable) discussed in the Final Safety Analysis Report (FSAR), Section 15.4.6, would be applicable to Unit 2. Therefore, the addition of the BDMS TSs for Unit 2 will ensure that Unit 2 will meet the requirements and assumptions of a previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the incorporation of the changes to reflect the addition of the BDMS will ensure that the plant is operated in accordance with the current boron dilution accident analysis as presented in FSAR Section 15.4.6. This analysis assumes that the BDMS is installed and operable and functions to mitigate the consequences of a boron dilution event. The addition of the BDMS TS requirements will not result in the possibility of a new or different kind of accident than any previously evaluated.

3. Involve a significant reduction in a margin of safety because the incorporation of the BDMS TS changes will add additional restrictions in that there will be new Limiting Conditions for Operation, Action Statements and Surveillance Requirements in place applicable to Unit 2. These requirements will ensure that the BDMS is maintained operable or that appropriate alternative actions were taken.

This change is applicable to Unit 2 only. Proposed Change 2 for Catawba Unit 1, is a purely administrative change which matches example (i) because the TSs for both Units are combined in a single document.

Proposed Change 3 for Catawba Units 1 and 2 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of any previously evaluated accident because deletion of Surveillance Requirement 4.3.3.12.1(b) will have no effect on the BDMS. Since this TS is applicable in

Modes 3, 4 and 5, deletion of this Surveillance (which is required to be performed prior to entering Mode 2) will have no impact on the operability of the BDMS in those modes. The BDMS will still be demonstrated operable in the appropriate modes via other existing surveillances. Therefore, deletion of this surveillance requirement will not decrease the reliability of the BDMS and will not increase the probability or consequences of any previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the deletion of the Surveillance Requirement will not change the requirements for operability of the BDMS and will not result in the plant being operated in any new configuration not already allowed. This surveillance is not necessary because it is required to be performed prior to the plant entering Mode 2, yet the BDMS is not required to be operable in Mode 2. Therefore, its deletion will have no effect on the operability of the BDMS in Modes 3, 4 and 5 for which it is required to be operable.

3. Involve a significant reduction in a margin of safety because this Surveillance Requirement is to be performed just prior to entering a mode where the BDMS is not required. The net outcome is that the surveillance will demonstrate the operability of the BDMS just prior to its not being needed for accident mitigation. Thus, its deletion will not affect the probability that the BDMS will be operable in Modes 3, 4 or 5 because other applicable surveillances will still be required to be performed. Thus, there is no significant reduction in the safety margin because of the deletion of this surveillance requirement.

Proposed Change 4 for Catawba Units 1 and 2 regarding deleting the phrase "and control room" from the sixth line of TS 3.9.2.1, Action (a)(2), is an editorial correction which matches example (i) because this phrase is a repeat of the same phrase in line 5.

Proposed Change 5 for Catawba Units 1 and 2 does not involve a significant hazards consideration because it would not:

1. Involve a significant increase in the probability or consequences of any previously evaluated accident because TS 3.9.2.1, Action Statements (a), (b) or (c), do not allow mode changes if appropriate backup to the BDMS cannot be established. Allowing mode changes with appropriate backup in place will not increase the probability or consequences of any previously evaluated accident because the backup to the BDMS will be at least as reliable and/or conservative as the existing BDMS.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because the Action Statements which are currently in place call for verification of an acceptable backup systems to the BDMS or the halt of core alterations (and, in effect, mode changes). Thus, the plant will not be allowed to change modes unless an acceptable backup to the BDMS (if it is inoperable) is operable. Therefore adequate assurance is maintained that the plant will have the capability to detect and to mitigate the consequences of a boron dilution event.

3. Involve a significant reduction in a margin of safety because other applicable Action Statements require the establishment of adequate backup systems to the BDMS in case the BDMS is inoperable. If these backup systems cannot be established, these Action Statements will not allow mode changes.

The staff has considered the proposed amendments and agrees with the licensee's evaluation of proposed changes 1, 2, 3 and 5 with respect to the three standards. For proposed change 4 the staff considers that example (i) is a more appropriate standard.

Accordingly, the Commission proposes to determine that the requested changes do not involve a significant hazards consideration.

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Attorney for licensee: Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

NRC Project Director: Kahtan N. Jabbour, Acting Director

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: November 20, 1987

Description of amendment request: The amendment would revise the Technical Specifications regarding radioactive effluent to reflect the staff's position as expressed in the Standard Technical Specifications, (STS) and a letter to the licensee dated May 7, 1987. The changes are as follows:

Replacing "from the site" with "from each reactor unit from the site" in applicable specifications reflects Draft Revision 5 of the STS and is in accordance with 10 CFR 50 Appendix I.

Replacing reference to Figure 5.1-2 with Figure 5.1-1 reflects the change to Figure 5.1-1 which would be editorially combined with Figure 5.1-2. Clarification of the * note in Section 3.11.1.2 is provided to reflect the qualification specified in Draft Revision 5 of the STS so that the required Special Report will address the radiological impact on the drinking water sources within 3 miles downstream of the plant. An * note would be added to Section 3.11.2.1 for clarification purposes to specify the time applicable when determining the dose rate for comparison to the limits. Table 4.11-2 note c would be revised to clearly specify that the tritium grab samples are to be taken from the ventilation system in use and that not all ventilation systems must be sampled. Section 3.11.2.6 would be revised to correct the Action statements to provide the correct action requirements when the oxygen concentration exceeds 2% in the waste gas holdup system.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes would either clarify certain points, make the technical specifications consistent with the regulation, or make them consistent with each other. None of these changes affects any analysis in the FSAR and none of the changes is caused by or would cause a hardware change. Thus, there is no increase in the probability of occurrence or the consequences of any accident previously analyzed. These changes are administrative in nature and do not affect the operating procedures of the plant; therefore, these changes will not create the possibility of a new or different kind of accident from those described in the FSAR. Furthermore, no safety margin will be affected or reduced as a result of these changes.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, NW., Washington, DC 20037

NRC Project Director: John F. Stolz

Florida Power and Light Company, et al., Docket No. 50-389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: November 16, 1987

Description of amendment request: The proposed amendment would revise St. Lucie Unit 2 Technical Specifications (TS) Sections 4.7.1.5 and 4.7.1.6, which specify the surveillance requirements for the main steam isolation valves (MSIVs) and main feedwater isolation valves (MFIVs), respectively. The proposed amendment consists of the following changes: (1) it shows the correct value for the MSIV response time, 6.75 seconds, consistent with Section 3/4.3.2 of the TS, and (2) it adopts the wording of the Combustion Engineering Standard Technical Specifications (STS) for the MSIV and the MFIV surveillance frequency requirements.

Basis for proposed no significant hazards consideration determination: The standards used to arrive at a determination that a request for amendment in volves no significant hazards considerations are included in the Commission's regulations, 10 CFR 50.92(c), which states that no significant hazards considerations are involved if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Based on all of the above, the proposed changes do not involve significant hazards considerations because operation of St. Lucie Unit 2 in accordance with the proposed changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The MSIV response time does not affect the probability of an accident previously evaluated, but it does affect the consequences of such an accident. However, since the St. Lucie Unit 2 "stretch" power accident analysis, previously reviewed and accepted by the NRC staff, assumes a 6.75 second MSIV response time, and this value is not being changed by this amendment, the proposed insertion of the correct response time in Section 4.7.1.5 of the TS would not increase the probability or consequences of an accident previously evaluated. Furthermore, since the proposed wording of both surveillance requirements, except for the addition of the definition of response time, is identical to that in the NRC-approved Combustion Engineering STS, with plant-specific response times inserted, the proposed wording would not affect the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. With respect to the MSIV response time limit, the creation of the possibility of a new or different kind of accident from any accident previously evaluated was considered as part of the "stretch" power safety analysis and it was determined that such a possibility was not created with this limit. The requirements on surveillance test types and frequencies remain unchanged in adopting the STS wording. The mode of operation of the MSIVs and MFIVs would not be affected by the proposed changes.

(3) Involve a significant reduction in a margin of safety. The "stretch" power safety analysis assumes an MSIV response time of 6.75 seconds; therefore, this proposed change does not alter the margin of safety with respect to limiting containment peak pressures or positive reactivity effects due to reactor coolant system cooldown during a postulated main steam line break accident. The requirements associated with ASME Boiler and Pressure Vessel Code Article IWV-3410 and applicable addenda are maintained with the proposed wording revisions to Specifications 4.7.1.5 and 4.7.1.6, hence, the margin of safety is not changed.

Therefore, the proposed changes meet the criteria specified in 10 CFR 50.92(c) and, thus, the NRC staff proposes to determine that the proposed license amendment does not involve any significant hazards considerations.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: Herbert N. Berkow

Indiana and Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendments request: January 16, 1987, as supplemented June 25, 1987 and November 25, 1987.

Description of amendments request: The proposed amendments would revise the Technical Specifications for the emergency diesel generators to improve and maintain reliability (per Generic Letter 84-15 issued July 2, 1984), change a number of related Technical Specifications to improve clarity and correct errors, and revise the emergency battery loads testing to allow simulated connected loads during tests. This application was originally noticed on February 26, 1987 (52 FR 5857) and renoticed on July 29, 1987 (52 FR 28380).

Basis for proposed no significant hazards consideration determination: The Commission's standard for determining whether a significant hazards consideration exists is as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Generic Letter 84-15 on the subject "Proposed Staff Actions to Improve and Maintain Diesel Generator Reliability," established new requirements that would reduce the risk of core damage from station blackout events by, among other things, changes to the technical specifications which support a desired diesel generator reliability goal. The licensee proposes to adopt many of the technical specification changes which were determined by the NRR as risk reduction actions. The additional proposal dated June 25, 1987 adds surveillances for water removal, oil sampling and storage tank sampling. The proposal dated November 25, 1987 modifies the fuel oil surveillances and further addresses the tank cleaning requirements. The proposed changes, therefore, should reduce the probabilities and consequences of accidents previously analyzed and should increase the margin of safety. The proposed changes will not place the plant in a new or unanalyzed condition, therefore, the changes will not create a new or different kind of accident from any previously analyzed.

The licensee also proposes to change a number of related Technical Specifications to improve clarity and correct errors. Several changes were made to reflect plant design and to make the two Units' Technical Specification alike. There are also a number of

editorial changes and error corrections. All of these changes are administrative in nature and do not change the probabilities or consequences of any previously analyzed accidents. The changes reflect plant design similarities and correct errors; therefore, there is no change The corrections and clarifications will not result in a reduction in any margin of safety.

In amendments 86 and 72 for Unit Nos. 1 and 2, respectively, the licensee was granted approval to test the battery capacities with simulated loads using a load bank in place of the actual loads using the static inverters. The surveillance requirement being changed is to determine the condition of the battery; a separate surveillance test is required for determining the performance discharge through actual battery loads. The use of a load bank which simulates actual loads should not affect the test nor would it significantly increase the probabilities or consequences of any previously analyzed accident. While the battery is connected to the load bank during testing, the battery cannot affect other systems or components which are required to be operable. Therefore, the change would not create a new or different kind of accident from any previously analyzed.

The batteries will continue to be capacity tested on the same frequency; only the method of loading the batteries is changed. Since the change will not impact the batteries in the modes when the batteries are required to be operable, the change will not affect the ability of the batteries to perform their safety function. Therefore, the proposed change will not involve a significant reduction in a margin of safety.

On the basis of the above consideration, the staff proposes to find that the changes do not involve a significant hazards consideration.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Kenneth E. Perkins.

Iowa Electric Light and Power Company, Docket No. 50-331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: August 31, 1987

Description of amendment request: The proposed license amendment would revise the Duane Arnold Energy Center (DAEC) Facility Operating License No. DPR-49 by revising the Technical Specifications to (1) delete the requirement that emergency diesel generators (EDGs) must be operable before the Standby Gas Treatment and Standby Filter Unit Systems are considered operable, (2) modify the requirement from one year to once per operating cycle for EDG inspections, and (3) add a requirement that certain auxiliary AC power sources and emergency filtration systems be available during core alterations.

This notice relates to item (2) only. The other items will be noticed separately.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has provided an analysis of each of the above criteria for the amendment request as follows:

(1) Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Surveillance Requirement 4.8.A.1.e requires that the EDGs be given an annual inspection. The licensee previously requested a license amendment to accommodate an 18-month rather than a 12-month operating cycle for the DAEC. NRC approval was granted by the issuance of License Amendment No. 143. he licensee did not then seek approval to extend the annual EDG inspection to 18 months. The licensee has subsequently reviewed the reliability data on the EDGs, in accordance with Generic Letter 84-15 and Regulatory Guide 1.108, "Periodic Testing of Diesel Generator Units Used as Onsite Electrical Power Systems at Nuclear Power Plants." An engineering review has shown that in three years (January 1984 to June 1987) the "A" EDG (1G-31) has a start reliability of 100% (over 120 successful starts) and a load reliability of 98.6% (1 failure in 75 loading tests). In the same timefram, the "B" EDG (1G-21) has a start reliability of 100% (over 121 successful starts) and a load reliability of 100% (no failures in 78 loading tests). The licensee's proposed extension is consistent with both the Standard Technical Specifications (STSs) Surveillance Requirement and the manufacturer's recommendations.

Because both EDGs have demonstrated a high degree of reliability, extending the inspection interval to 18 months, during shutdown, will not affect their reliability, and therefore, there will be no increase in the probability or consequences of previously evaluated accidents.

(2) Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The existing EDG systems, setpoints, or overall plant design will not be changed by extending the EDG surveillances from annually to once per operating cycle; and therefore, this change will not create the possibility of a new or different kind of accident.

(3) Does the proposed amendment involve a significant reduction in a margin of safety?

The licensee has conducted an engineering evaluation of EDG reliability data which demonstrates that the EDGs are highly reliable. In addition, the extension is consistent with the STSs and the manufacturer's recommendations. Therefore, there will not be a significant reduction in the margins of safety for the EDGs.

Based on an evaluation of the above licensee analysis, the Commission's staff has made a proposed determination that the requested amendment involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Kathleen H. Shea, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036.

NRC Project Director: Martin J. Virgilio.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: December 1, 1987.

Description of amendment request: The amendment would modify the Technical Specifications to (A) revise the Source Range Monitor (SRM) and Intermediate Range Monitor (IRM) neutron monitoring systems operability requirements to clarify that negative power supply voltage is required in order for the instruments to be operable, (B) delete operability and surveillance requirements for certain post-accident monitoring systems during shutdown and refueling conditions, and (C) revise an incorrect statement regarding the main steamline (MSL) high flow isolation instrumentation setpoint.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards

considerations (51 FR 7751). These examples include:

(1) A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

(2) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example a more stringent surveillance requirement.

(3) A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

Table 3.2.C of the Technical Specifications presently states that an SRM or IRM is inoperable when (a) the mode switch is not in Operate, (b) power supple voltage is low, or (c) circuit boards are not installed. Change A would add an additional statement that the instruments are inoper able when negative supply voltage is lost. This change constitutes an addi tional limitation not presently included and is therefore encompassed by example (2).

Section 3.2.H of the Technical Specifications requires that the minimum number of operable channels for the High Range Noble Gas Monitor on the Elevated Release Point, the Turbine Building Ventilation Exhaust High Range Noble Gas Monitor, the Radwaste/Augmented Radwaste/High Range Noble Gas Monitor, and the Primary containment Gross Radiation Monitor be operable at all times. Change B would revise 3.2.H to suspend these operability requirements during cold shutdown and refueling conditions. Inoperability of the instruments may in some way increase the probability or consequences of a refueling accident, however, the change is consistent with staff guidance and acceptance criteria relating to Post Accident Monitoring Instrumentation contained in Generic Letter 83-36 and Standard Review Plan Section 7.5. The change is therefore encompassed by example (3).

In Amendment 96 to the staff revised the MSL high flow isolation instrument setpoint from 140% of rated flow to 150% of rated flow. Due to oversight, not all pages of the Technical Specifications which specify the setpoint were reissued with the revised value. Change C would correct Page 52 to make it consistent with pages 50 and 84 of Amendment 96. This change corrects and error and is therefore encompassed by example (1).

Since the application for amendment involves proposed changes that are encompassed by examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 88305.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Project Director: Jose A. Calvo

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: December 22, 1987

Description of amendment request: The proposed amendment would modify the Technical Specifications to permit use of the Banked Position Withdrawal System (BWPS), as enforced by the Rod Worth Minimizer (RWM), for control of rod patterns between 100% and 50% rod density.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751). These examples include: "A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan (SRP): for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The proposed amendment would delete the requirement for the rod sequence control system (RSCS) to be operable between 100% and 50% control rod density. With the RSCS inoperable during this period it would be possible to use the BPWS resulting in lower rod worths and elimination of the need to perform a control rod drop accident (CRDA) analysis for each core configuration. The elimination of the CRDA analysis for each reload, and the elimination of RSCS operability requirements between 100% and 50% rod density may result in an increase of the probability or consequences of a CRDA due to reduced control over rod worth. However, the rod worth controls resulting from the proposed amendment are within the acceptance criteria of Section 15.4.1 of the Standard Review Plan which requires stringent controls to preclude the possibility of single operator error or equipment failure resulting in a core configuration such that fuel peak enthalphy could exceed 280 calories per gram during a CRDA. The proposed amendment is thus within the scope of the Commission example cited above.

Since the application for amendment involves proposed changes that are encompassed by an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 88305.

Attorney for licensee: Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

NRC Project Director: Jose A. Calvo

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: November 19, 1987, as supplemented November 24, and December 11, 1987

Description of amendment request: The proposed amendment would revise Technical Specification 4.8.4.1.a.2 to permit surveillance testing of molded case circuit breakers and unitized starters instantaneous trip elements at -25% to +40% of instantaneous trip current range rather than the ±20% value in the present Technical Specifications. These instantaneous trip elements provide overcurrent protection for containment electrical penetrations.

The plant is presently in a scheduled refueling outage. The licensee stated in a submittal dated November 19, 1987, that restart is scheduled for December 17, 1987; however, the licensee informed the staff by telephone on December 4, 1987, and by letter dated December 11, 1987, that the outage would be extended with restart to be sometime in late February 1988.

Basis for proposed no significant hazards consideration determination: In accordance with 10 CFR 50.92, the licensee has reviewed the proposed changes and has concluded that the amendment does not involve a

significant hazards consideration because the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed test current values are in accordance with manufacturer's recommendations for field testing of molded case circuit breakers and unitized starters and are within the thermal capability of the containment electrical penetrations. Therefore, the proposed change does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously evaluated. There is no new failure mode associated with the proposed change. The proposed change does not modify plant response. Therefore, the proposed change does not create the possibility of an accident or malfunction of a different type than any evaluated previously in the safety analysis report.

3. Involve a significant reduction in a margin of safety. The revised test current values remain well within the electrical penetration's thermal limits. There is no significant reduction in the margin of safety for the containment electrical penetrations. The staff has reviewed the licensee's submittal and concurs with its no significant hazards determination.

Local Public Document Room Location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385

Attorney for licensee: Gerald Garfield, Esq., Day, Berry, and Howard, City Place, Hartford, Connecticut 06103-3499

NRC Project Director: John F. Stolz

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: October 7, 1987

Description of amendment request: The proposed amendment would revise the Susquehanna Steam Electric Station (SSES) Units 1 and 2 Technical Specifications in response to the Commission's Generic Letter 87-09. The requested changes are as follows:

(1) Section 3.0.4 is to be revised to define that this Specification's provisions will apply in those cases where the affected action statement permits continued operation for an unlimited period of time;

(2) Section 4.0.3 is to be revised to include a 24-hour delay in implementing action requirements due to a missed surveillance for those cases where the action requirements provide a restoration time that is less than 24 hours; and

(3) Section 4.0.4 is to be revised to assure that the provisions of this section do not prevent the plant's passage through or to operational conditions required to comply with action requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's request and concurs with the following basis and conclusions provided by the licensee in its October 7, 1987 application.

The following three questions are addressed below for each of the proposed Technical Specification changes:

I. Does the proposed changed involve a significant increase in the probability or consequences of an accident previously evaluated?

II. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

III. Does the proposed change involve a significant reduction in a margin of safety?

3.0.4:

I. No. In each case where relief from Operational Condition change restrictions will now be available, it was either available before or it is being proposed in recognition that taking the prescribed remedial action upon entry into a given specified condition as opposed to having already been in that condition is not adverse to safety. This is a valid statement because such relief is only allowed when the prescribed action has no time limits, which signifies that unlimited operation under the action has already been determined by the (Nuclear Regulatory Commission) to be an acceptably safe alternative means of meeting the LCO requirements. Based on the above, the proposed change to Specification 3.0.4 (and the editorial changes to the attached marked-up specifications where the provision of 3.0.4 were previously stated to be not applicable) do not adversely affect the probability or consequences of any previously evaluated accident.

II. No. As stated in I above, the unlimited nature of the actions associated with this proposal ensure a level of safety commensurate with that which is normally required. Therefore these conditions (do not create a possibility of a new or different kind of accident from any previously evaluated and) will not require analysis of potentially new or different accidents.

III. No. Again, the premise upon which these changes are proposed is that the difference in safety margin between taking a timeindependent action upon entry into a given operational condition and taking the same action while in that condition is insignificant.

4.0.3:

I. No. Although it is conceivable under this proposal that additional time could be provided for restoration of inoperable components, this occurs only when the component affected by the missed surveillance is found to be inoperable once the test is actually performed. Therefore, the effect of this change is to only allow entry into action statements when the component is known to be inoperable or when adequate (24 hours) test performance time is provided. This has an insignificant effect on previous analyses because the potential for an untested component to be inoperable is low and because the action (which must be within 24 hours) is entered as soon as the test is failed. Furthermore, very few missed surveillances are anticipated and of these few cases, a smaller number will involve inoperable components.

Based on the above, this change has no significant effect on the probability or consequences of previously analyzed accidents.

II. No. The revised provisions of 4.0.3. modify existing constraints on previously analyzed conditions, as was analyzed in I above. They do not create the possibility for new or different accident scenarios.

III. No. The margin of safety is affected by this change, but the (e)ffect is insignificant at worst and subjectively improved at best for the following reasons:

1. Based on experience, the proposed change will minimize the potential for shutdowns due to the inability to perform a missed surveillance on components that are, in all probability, operable. Therefore, unwarranted plant transients will be avoided and safety is improved.

2. The provision does not provide additional time when the situation does not warrant it. When greater than 24 hours exists, or when the component is known to be operable, the normal action applies.

3. The potential for misinterpretation of the new wording was reviewed, and it is believed that the improved Bases section for the proposed change (as well as the guidance in the Generic Letter, if needed) will mitigate any potential for problems in this area.

4.0.4:

I. No. As stated in Generic Letter 87-09, "It is not the intent of Specification 4.0.4 to prevent passage through or to operational modes to comply with action requirements and it should not apply when mode changes are imposed by "Action Requirements."" Therefore, this change can be interpreted as editorial clarification. Regardless, ensuring that performance of surveillance tests will not be required during shutdowns to comply with actions will reduce the probability of previously analyzed transients and accidents by minimizing activities which could challenge safety systems during a shutdown evolution.

II. No. This change will lessen the probability of known events as described in I above. It has no features which could create the possibility of new or different scenarios.

III. No. As inferred in I above, the margin of safety is improved due to this change by minimizing challenges to safety systems when they are not warranted. Therefore, this clarification cannot adversely affect safe operation.

Based on the above considerations, the Commission proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, DC 20036

NRC Project Director: Walter R. Butler

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment requests: May 15, 1987 (TS 230)

Description of amendment requests: Tennessee Valley Authority proposes to modify the Browns Ferry Nuclear Plant, Units 1, 2, and 3 Technical Specifications to delete references to a reduced pressure test method for the integrated leakage rate test (ILRT) denoted in Surveillance Requirements 4.7.A.2.a, 4.7.A.2.b, 4.7.A.2.f.1, 4.7.A.2.f.3 and bases section 4.7.A. The reduced pressure test is allowed in accordance with 10 CFR Part 50, Appendix J for periodic integrated leakage rate testing and is based upon a performance test correlation between that of a reduce pressure test (25 psig) and a full pressure test (49.6 psig). As no clear correlation can be established between the measured leakage at reduced pressure and full pressure, the proposed change would delete references to the reduced pressure test and would require a more stringent full pressure test on the periodic containment ILRT.

The proposed change also contains a correction of an error for the leak rate limit of drywell atmosphere to suppression chamber with a one psi differential pressure denoted in Surveillance Requirement 4.7.A.4.d and bases section 4.7.A. The current technical specification limits of 0.38 inch of water per minute pressure change and 0.14 pound per second of containment air are in error and would be changed to 0.25 inch of water per minute pressure and 0.09 pound per second of containment air.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee addressed the above three standards in the amendment application and has determined that the proposed changes: (1) Would not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change to delete the reduced pressure test methods for ILRT will simply remove an option that exists in the current technical specifications. The limiting conditions for operation will continue to be verified by the implementation of a more stringent full pressure test rather than a reduced pressure test. The proposed change to correct the error for the leak rate limit of drywell atmosphere to suppression chamber with a one psi differential pressure would actually reduce the allowable leakage limit and could therefore further mitigate the consequences of an accident. Neither of these changes result in any modifications to the plant or system operation and no safety-related equipment or function would be altered. (2) Would not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change to delete the reduced pressure test method for ILRT and to correct the allowable leak rate limit would actually require more stringent testing requirements and specify more restrictive leakage limits, respectively. In addition, these changes do not result in any modification to the plant design or system operation and would continue to provide the appropriate surveillance testing to demonstrate compliance with 10 CFR Part 50, Appendix J. (3) Would not involve a significant reduction in a margin of safety. The proposed change to delete the reduced pressure test methods for ILRT and to correct the allowable leak rate limit would in fact increase the margin of safety. As stated above, the reduced pressure test would be replaced by the more stringent full pressure test and the allowable leak rate limit would specify more restrictive leakage limits.

In addition, the Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations.

One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. The proposed changes discussed above actually require more stringent testing requirements or specify more restrictive leakage limits.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. Based on the review and the above discussion, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment requests: May 29, 1987 (TS 231)

Description of amendment requests: Tennessee Valley Authority proposes to modify the Browns Ferry Nuclear Plant, Unit 1, 2, and 3 Technical Specifications to prevent excessive testing of the diesel generators. The technical specifications currently contain requirements that have been determined by Generic Letter 84-15 to be detrimental to the performance of the onsite emergency electrical power system. Therefore, the proposed changes to the technical specifications would provide the improvements which are recommended by Generic Letter 84-15 to enhance the reliability of the diesel generators and include the following:

1. Delete the requirements for diesel generator testing whenever an emergency core cooling system (ECCS) train becomes inoperable.

2. Change the requirements for testing the diesel generators to allow 24 hours for testing remaining diesels and other equipment in the event of inoperable electrical equipment.

3. Administrative changes to add Table 4.9.A which specifies diesel generator testing frequencies and reliability program.

4. Restrict the requirement for diesel generator fast starts to once per 184 days.

5. Require a log book to record diesel generator starts.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The licensee addressed the above three standards in the amendment application and has determined that the proposed changes: (1) would not involve a significant increase in the probability or consequences of an accident previously evaluated. Reducing the test frequency and modifying the starting requirements to be consistent with the recommendations of Generic Letter 84-15 enhances diesel generator reliability by minimizing severe test conditions that can lead to premature failures. Therefore, the probability of a malfunction of equipment important to safety has not changed since the new surveillance requirements would enhance the reliability and operation of the diesel generators; (2) would not create the possibility of a new or different kind of accident from any accident previously evaluated. The changes affect only the frequency of the starting and the loading practices during testing of the diesel generators. Operation of the diesel generators cannot create a new type of accident; and (3) would not involve a significant reduction in a margin of safety. These proposed testing requirements do not affect the ability of the diesel generators to perform their function but rather enhance the reliability of the diesel generators by revising the testing frequency and starting requirements and, therefore, there is no reduction in safety margins.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. Based on the review and the fact that the diesel generator reliability changes resulted from Generic Letter 84-15, the staff proposes to determine that the requested amendments do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Tennessee Valley Authority, Dockets Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment requests: June 4, 1987 (TS 233)

Description of amendment requests: Tennessee Valley Authority proposes to modify the Browns Ferry Nuclear Plant, Units 1, 2, and 3 Technical Specifications to impose a limit on reactor operation when nitrogen is not being used to supply the pneumatic control system inside containment.

The proposed amendments would add new technical specification requirements in response to Generic Letter 84-09, Hydrogen Recombiner Capability. The purpose of these technical specifications is to limit the possibility of the pneumatic control system being an oxygen source inside primary containment during reactor power operation and includes the following:

1. Technical specification 3.7.A.5.a would be revised to delete the first phrase which is obsolete.

2. Technical specification 3.7.A.5.c would be renumbered to be technical specification 3.7.A.5.d.

3. A new specification, technical specification 3.7.A.4.c, would be added to limit reactor operation when air, instead of nitrogen, is being used to supply the pneumatic control systems inside the primary containment.

4. A new surveillance requirement would be added as technical specification 4.7.A.5.c to verify that the air supply valve for the pneumatic control system inside the drywell and torus is closed prior to startup and during reactor power operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92 (c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The licensee addressed the above three standards in the amendment application and has determined that the proposed changes: (1) would not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes to impose a limit on reactor operation when nitrogen is not being used to supply the pneumatic control system inside containment do not change any operational conditions on normal valve alignment and does not affect any safety-related equipment. The consequences of an accident could be reduced since the proposed change would decrease the likelihood of having oxygen concentration exceed four percent in the containment atmosphere after an accident; (2) would not create the possibility of a new or different kind of accident previously evaluated. The changes do not result in any modification to the plant or system operation and no safety-related equipment or functions would be altered. Imposing a limit on reactor operation when nitrogen is not being

used to supply the pneumatic control system inside containment reduces the possibility of the containment becoming deinerted in post-accident situations while at the same time allowing for a more orderly shutdown on loss of normal pneumatic supply to motive power for equipment important to safety. The requested changes do not create any new accident modes; and (3) would not involve a significant reduction in a margin of safety. The proposed changes to impose a limit on reactor operation when nitrogen is not being used to supply the pneumatic control system inside containment actually increases the margin of safety since the likelihood of attaining a combustible hydrogen and oxygen mixture in containment has been reduced.

In addition, the Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve significant hazards considerations. One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to a change that consitutes an additional limitation, restriction, or control not presently included in the technical specifications. The proposed change provides additional limitations and improvements in response to Generic Letter 84-09 to preclude the likelihood of attaining a combustible hydrogen and oxygen mixture in containment.

Another example (i) of actions not likely to involve a significant hazards consideration relates to changes which are purely administrative. For example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The proposed change in Technical Specification 3.7.A.5.a to delete the phrase "After completion of the fire-related startup retesting program, containment atmosphere shall be..." is purely administrative and removes extraneous information. The retesting program has been completed and the requirement is effective.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. Based on the review and the fact that the additional limitations were in response to Generic Letter 84-09, the staff proposes to determine that the requested amendments do not involve a significant hazards consideration.

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of amendment requests: August 5, 1987 (TS 87-27)

Description of amendment requests: The proposed change would revise surveillance requirement 4.5.2.d.1 by changing the reactor coolant system (RCS) pressure from 750 psig to 700 psig for the purpose of verifying automatic isolation of the residual heat removal (RHR) system.

Basis for proposed no significant hazards consideration determination: The Commission has provided Standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analyses, using the standards in Section 50.92, on the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the licensee has performed and provided the following analysis:

The Sequoyah Nuclear Plant (SQN) design criteria for the RHR System valves requires the suction valves from the RCS to automatically close at an RCS pressure of 700 psig. The Final Safety Analysis Report (FSAR) and current testing practice also agree with the design criteria. The proposed change simply makes the technical specifications consistent with the design criteria, the FSAR, and current instrument setpoint.

1. Is the probability of an occurrence or the consequences of an accident previously evaluated in the safety analysis report significantly increased?

No. The suction isolation valves from the RCS are interlocked for automatic closure at an RCS pressure of 700 psig. This function is to protect the system from overpressurization. The proposed change only revises the technical specifications to be consistent with the design criteria and the FSAR.

2. Is the possibility for an accident of a new or different type than evaluated previously in the safety analysis report created?

No. The capability for RHR system isolation has not been changed. The proposed change simply makes the technical specifications consistent with the design and as-built configuration of the plant. No hardware changes or changes in testing requirements have been made.

3. Is the margin of safety significantly reduced?

No. The proposed change is editorial in nature and does not effect changes to plant equipment, operating setpoints or limits, or operating procedures. Therefore, the margin of safety has not been reduced.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Gary G. Zech

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: December 15, 1987.

Description of amendment request: The proposed amendment would revise Technical Specification Figure 6.2-1, Figure 6.6-2 and Section 6.5.1 to reflect nuclear function organizational changes associated with the establishment of the positions of Manager, Licensing and Fuels, and Assistant Manager, Work Control and the elimination of the Assistant Manager, Support Services position and the resulting changes in the operating organization, engineering organization and On-Site Review Committee.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has provided the following analysis of no significant hazards considerations using the Commission's standards.

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. This is based on the fact that the organization changes improve the interdepartmental responsiveness and efficiency by providing better coordination and communication. The changes do not

reduce the overall experience base nor reduce commitments to minimum qualifications.

The proposed amendment does not create the possibility of a new or different kind of accident than previously evaluated because the proposed change is administrative in nature, and no physical alterations of plant configuration or changes to setpoints or operating parameters are proposed.

The proposed amendment does not involve significant reduction in a margin of safety. Through Union Electric's strong Quality Assurance programs and its commitment to maintain only qualified personnel in positions of responsibility, it is assured that safety functions performed by the On-Site and the Corporate organizations will continue to be performed at a high level of competence.

Based on the previous discussions, the licensee concluded that the proposed amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; does not create the possibility of a new or different kind of accident from any accident previously evaluated; or does not involve a reduction in the required margin of safety. The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. The staff, therefore, proposes to determine that the licensee's request does not involve a significant hazards consideration.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Kenneth E. Perkins.

Virginia Electric and Power Company, Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2 (NA-1&2), Louisa County, Virginia

Date of amendment request: December 4, 1987

Description of amendment request: The proposed change would implement more stringent primary-to-secondary coolant system leakage limits and establish surveillance requirements to assure operability of the existing and new N-16 instrumentation used to assure compliance with the revised leakage limits. The more stringent leakage limits and increased instrumentation requirements were put in place for both NA-1&2 by the licensee's Standing Order No. 155 following the Steam Generator (SG) tube rupture event at NA-1 on July 15, 1987. The failure mechanism was determined to be fatigue induced by limited displacement fluidelastic instability. A number of corrective actions were taken in both NA-1&2 to minimize the probability of recurrence. These measures included installation of downcomer flow resistance plates to reduce the source of loads associated with the fatigue mechanism in the U-bend area and the preventive plugging of potentially susceptible tubes. Even though these measures are considered to be very conservative and highly effective in reducing the probability of fatigue-induced tube rupture, enhanced leakage monitoring and more conservative leakage limits were also established. In the low probability event that the downcomer modification and preventive plugging are unsuccessful in preventing occurrence of a similar fatigue failure, the enhanced monitoring system should provide sufficient notification to permit orderly shutdown prior to a tube rupture. The specific changes are described below.

Bases 3/4.4.5 and 3/4.4.6

The Bases would be revised to include a discussion of the bases for the new leakage limits. Bases 3/4.4.5, Steam Generators, would include the discussion that, under certain conditions, the SG may produce limited displacement fluidelastic instability in the tube bundle that may result in fatigue failure of a tube. Modifications have been accomplished in all SGs consisting of installation of downcomer resistance plates and preventive plugging of potentially susceptible tubes. Even though these measures are considered to have been conservative and highly effective in reducing the probability of fatigue-induced tube rupture, enhanced leakage monitoring and more stringent leak rate limits have been established. Leakage is now limited to 100 gallons per day (gpd) (rather than 500 gpd) per SG when operating at greater than 50% power. Cyclic life analysis of fatigue-induced tube cracks has shown that, assuming a post-modification maximum stress amplitude of 7 ksi, a leak rate of up to 500 gpd would be reached some 90 minutes prior to tube rupture. Therefore, the 100 gpd leak rate limit is bounding since: (a) the 100 gpd limit would be detected well in advance of reaching 500 gpd; (b) the time required for leak rate detection and power reduction to less than 50% is expected to be less than 90 minutes; and (c) the maximum stress amplitude is anticipated to lie in the 5 ksi range, which would allow for much earlier leak-before-break warning than would occur in the assumed 7 ksi case.

These assumptions also include an appropriate allowance for measurement uncertainty. (References: Virginia Electric and Power Co., "North Anna Unit 1, July 15, 1987 Steam Generator Tube Rupture Event Report, Revision 1, September 15, 1987," and Westinghouse WCAP-11601, "North Anna Unit 1 Steam Generator Tube Rupture and Remedial Actions Technical Evaluation, September 1987").

Bases 3.4.4.6.2, Operational Leakage, would include a discussion that when operating at greater than 50% power, more stringent primary-to-secondary leakage limits of 300 gpd total from all three SGs and 100 gpd from an individual SG would be imposed. These limits ensure that in the event that a fatigue-induced crack were to occur in one or more generators, the resulting leak would be detected in sufficient time to conduct an orderly shutdown prior to catastrophic tube failure. The limits on an increase in leakage of 60 gpd between surveillance intervals and for an increasing trend indicating that 100 gpd would be exceeded within 90 minutes ensure that, in the event of fatigue crack initiation, power can be reduced to a level below which propagation will not occur. In the latter case, the limit also provides for orderly shutdown, since the 100 gpd limit is being approached. These leakage rates are conservative with regard to dosage contribution in that they are less than the previously analyzed total amount of 1 gallon per minute (gpm) and 500 gpd for any single SG.

Specification 3.4.6.2

The Limiting Condition for Operation (LCO) specifying primary-to-secondary SG leakage limits would be footnoted to refer to Specification 3.4.6.3 when operating at greater than 50% power. The purpose of this change is to impose more stringent leakage limits when operating at greater than 50% power as explained in Bases 3/4.4.6.2, Operational Leakage, and as discussed above.

Specification 3.4.6.3

A new LCO and action would be added which imposes more stringent leakage limits and trends when operating at greater than 50% power. The purpose of these more stringent limits is to provide sufficient notification of leakage to permit orderly shutdown prior to potential tube rupture. The more stringent primary-to-secondary leakage limits would specify: (a) total leakage from all SGs to be 300 gpd; (b) leakage from an individual SG to be 100 gpd; (c) total leakage increase of 60 gpd between surveillance intervals; and (d) an increasing trend based on the latest surveillance that indicates 100 gpd

would not be exceeded on an individual SG within 90 minutes. Once the LCO would be exceeded, the corresponding action must be followed to completion as specified below:

(a) If the total leakage limit from all SGs or the leakage limit from any individual SG is exceeded, be in hot standby within the next 6 hours and cold shutdown within the following 30 hours.

(b) If the increase in total leakage from all SGs exceeds 60 gpd between surveillance intervals, reduce power below 50% rated thermal power within 90 minutes.

(c) If an increasing trend indicates that the limit of 100 gpd per SG is going to be exceeded within 90 minutes, reduce power to below 50% rated thermal power within 90 minutes, be in hot standby within the next 6 hours and cold shutdown within the following 30 hours.

Specification 4.4.6.3

New surveillance requirements would be added to assure that the more stringent leakage limits described above (Specification 3.4.6.3) are properly monitored and trended. Primary-to-secondary leakage would be demonstrated to be within each of the limits specified in 3.4.6.3 by stating:

(a) Primary-to-secondary leakage would be recorded and trended at least every 4 hours from each operable N-16 continuous readout and alarm radiation monitoring system and the condenser air ejector exhaust continuous readout and alarm radiation monitor.

(b) Primary-to-secondary leakage would be determined from a condenser air ejector grab sample at least every 24 hours.

(c) Primary-to-secondary leakage would be determined from SG and reactor coolant liquid samples at least every 72 hours.

(d) If the above surveillance operations cannot be performed as specified, the LCO and associated action statements of Specification 3.4.6.4 (described below) would apply.

Specification 3.4.6.4

A new LCO and action would be added which defines operability of the primary-to-secondary leakage detection systems when operating at greater than 50% power. The purpose of this specification is to assure adequate capability for monitoring and trending of leakage in order to comply with the limits of Specification 3.4.6.3 as discussed above. Operability would be defined as: (a) one of the two N-16 radiation monitoring systems (either the N-16 continuous readout and alarm radiation monitors on each steam line, or the N-16 continuous readout and alarm radiation monitor on the main steam header); (b) the condenser air ejector exhaust continuous readout and alarm radiation monitor; (c) the capability to obtain and analyze a condenser air ejector exhaust grab sample; and (d) the capability to obtain and analyze a liquid sample from each SG and from the RCS.

The corresponding actions for the LCOs stated above for Mode 1 at greater than 50% power would specify:

(a) If both the N-16 radiation monitoring system on each steam line and the N-16 radiation monitoring system on the main steam header are inoperable, increase the frequency of the condenser air ejector grab sample required by Specification 4.4.6.3b to at least once every 4 hours and return at least one of the systems to operation within 7 days or reduce power to less than 50% within the next 4 hours.

(b) If the condenser air ejector exhaust continuous readout and alarm radiation monitor is inoperable, provided at least one of the N-16 monitoring systems is operable, increase the frequency of the condenser air ejector grab sample required by Specification 4.4.6.3b to at least once every 4 hours and return the system to operation within 7 days or reduce power to less than 50% within the next 4 hours.

(c) If the capability to obtain and analyze a condenser air ejector grab sample is lost, provided at least one of the N-16 monitoring systems is operable and the condenser air ejector exhaust continuous readout and alarm radiation monitor is operable, restore the capability within 7 days or reduce power to less than 50% within 4 hours.

(d) If both N-16 monitoring systems are inoperable and either the condenser air ejector exhaust continuous readout and alarm radiation monitor is inoperable or the capability to obtain and analyze a condenser air ejector exhaust grab sample is lost, reduce power to less than 50% within the next 90 minutes.

(e) If the condenser air ejector exhaust continuous readout and alarm radiation monitor is inoperable and the capability to obtain and analyze a condenser air ejector exhaust grab sample is lost, reduce power to less than 50% within the next 90 minutes.

(f) If the capability to obtain and analyze a liquid sample from each SG and the RCS is lost, increase the frequency of performance of the RCS water inventory balance in TS 4.4.6.2.1d to once every 24 hours.

Specification 4.6.6.4

A new surveillance requirement would be added to assure operability of the detection systems addressed in Specification 3.4.6.4 (discussed above). The N-16 monitors and air ejector exhaust radiation monitoring instrumentation channels would be demonstrated operable by the performance of the channel check, channel calibration and channel functional test during the modes and at the frequencies shown in Tables 4.4-2a and 4.3-14 for NA-1 and Tables 4.4-2a and 4.3-13 for NA-2. Table 4.4-2a has been added to address the surveillance requirements for the newly installed N-16 radiation monitors.

Table 3.3-14 (NA-1) and Table 3.3-13 (NA-2)

The action statement in Tables 3.3-14 and 3.3-13 would be revised to require more frequent sampling of the air ejector exhaust (every 4 hours instead of 12 hours) when the condenser air ejector system gross activity monitoring system is inoperable.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (51 FR 7741). Example (ii) states that a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement, is explicitly considered not likely to involve significant hazards. The proposed changes create more stringent primary-to-secondary leakage limits and increased surveillance requirements. Accordingly, the Commission proposes to determine the changes involve no significant hazards considerations.

Local Public Document Room location: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212.

NRC Project Director: Herbert N. Berkow

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendments request: October 13, 1987.

Description of amendments request: Technical Specification 15.5.3.A.8 specifies limits on the mass of enriched fissionable material which may be used in the core, or available on the plant

site, in the form of fabricated neutron flux detectors. The proposed amendments would delete Technical Specification 15.5.3.A.8. The licensee states that failure to delete this specification on a previous amendment was an oversight. Specifically, on March 17, 1976, the Commission issued Amendment 15 to DPR-24 and Amendment 20 to DPR-27. Those amendments revised Paragraph 2.C of the Operating Licenses to permit the licensee to receive, possess and use at any time any source and special nuclear materials as fission detectors in the amounts as required. Continuing to specify a limiting quantity of fissionable material in the form of fabricated neutron flux detectors in Technical Specification 15.5.3.A.8 is inconsistent with Amendments 15 and 20.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has examined the proposed Technical Specification change request with respect to the criteria of 10 CFR 50.92 and has determined that the proposed amendments would not result in a significant hazards consideration. The licensee used the following to reach this determination:

The first criterion concerns changes involving a significant increase in the probability or consequences of an accident previously evaluated. This change request is a deletion of a requirement which is consistent with Commission guidance and provisions of the operating licenses. As no physical plant alterations result from this change, and requirements are not relaxed, there can be no change in the probability or consequences of an accident previously evaluated. The second criterion involves creating the possibility of a new or different kind of accident from any accident previously evaluated. Again, as stated above, since no physical change has been made, nor has any requirement been relaxed, this possibility is precluded. The third criterion concerns a significant reduction in a margin of safety. Margin of safety is not reduced by this deletion as Operating License Paragraph 2.C has been, and will continue to be, the condition to which we conform.

The staff has reviewed the licensee's no significant hazards consideration and agrees with the licensee's analysis. The staff, therefore, proposes to determine that the licensee's request does not involve a significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: Kenneth E. Perkins.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this biweekly notice. They are repeated here because the biweekly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Northeast Nuclear Energy Company, et al., Docket No. 50-245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: October 27, 1987

Description of amendment request: The amendment would revise the Millstone Unit No. 1 Technical Specifications to reflect the deletion of the low reactor pressure permissive switches from the emergency core cooling system pump start logic during the 1987 refueling outage. The removal of the low reactor pressure permissive switches from the ECCS pump start logic results in the sending of a start signal to the ECCS pumps upon indication of either high drywell pressure or low-low reactor water level. Previously, low-low reactor water level alone would not have initiated the ECCS pumps without the presence of a low reactor pressure signal. The changes are conservative in that given a low-low reactor water level condition, a start signal to the ECCS pumps will not be bypassed/delayed while waiting for receipt of indication of low reactor pressure.

Date of publication of individual notice in **Federal Register**: November 13, 1987 (52 FR 43694).

Expiration date of individual notice: December 14, 1987.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room,

1717 H Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, Toledo Edison Company, Docket No. 50-440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of application for amendment: September 22, 1987

Brief description of amendment: The amendment made various changes to the organization charts, Figures 6.2.1-1 and 6.2.2-1 of the Technical Specifications, to revise titles and delete non-key positions.

Date of issuance: December 11, 1987

Effective date: December 11, 1987

Amendment No. 9

Facility Operating License No. NPF-58. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 22, 1987 (52 FR 39576). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 11, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Perry Public Library, 3753 Main Street, Perry, Ohio 44081

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50-456 and STN 457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of Application for amendments: September 30, 1987, supplemented October 30, 1987

Brief description of amendments: These amendments revise the Technical Specifications to allow deletion of the reactor trip on turbine trip below 30 percent power.

Date of issuance: December 8, 1987

Effective date: December 8, 1987

Amendment Nos.: 13 for Byron, 3 for Braidwood

Facility Operating License Nos. NPF-37, NPF-66 and NPF-72. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1987 (52 FR 42359) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 8, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101; and Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, La Salle County Station Unit Nos. 1 and 2, La Salle County, Illinois

Date of application for amendments: June 16, 1987

Brief description of amendments: The amendments revise the La Salle County Station, Units 1 and 2 Operating Licenses to permit the fuel pool of each unit to receive and store spent fuel from either unit.

Date of issuance: December 8, 1987

Effective date: Thirty-days following date of issuance.

Amendment Nos.: 52 and 34

Facility Operating License Nos. NPF-11 and NPF-18. Amendments revised the license.

Date of initial notice in **Federal Register:** August 26, 1987 (52 FR 32196). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 8, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Commonwealth Edison Company, Docket Nos. 50-373 and 50-374, La Salle County Station Unit Nos. 1 and 2, La Salle County, Illinois

Date of application for amendments: June 16, 1987

Brief description of amendments: The amendments revise the La Salle County Station, Units 1 and 2 Operating Licenses to permit the fuel pool of each unit to receive and store spent fuel from either unit.

Date of issuance: December 8, 1987

Effective date: Thirty-days following date of issuance.

Amendment Nos.: 52 and 34

Facility Operating License Nos. NPF-11 and NPF-18. Amendments revised the license.

Date of initial notice in **Federal Register:** August 26, 1987 (52 FR 32196). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 8, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of application for amendment: January 28, 1987, as superseded May 26, 1987

Brief description of amendment: This amendment revised the Fermi-2 Facility Operating License No. NPF-43, License Condition 2.C.(10), to: (1) incorporate the requirement for periodic gap checks of the Emergency Diesel Generator (EDG) engine main bearings; and (2) delete the requirement for the disassembly and removal of engine oil filters and substitute the requirement for the monthly analysis of EDG engine lube oil samples. The inspections and analyses required by the revised license condition will supplement the action and surveillance requirements pertaining to the EDG in Section 3/4.8.1 of the Fermi-2 Plant Technical Specifications.

Date of Issuance: December 16, 1987

Effective Date: December 16, 1987

Amendment No.: 12

Facility Operating License No. NPF-43: Amendment revised the license.

Date of initial notice in **Federal Register:** July 1, 1987 (52 FR 24547) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 16, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: October 14, 1987, and supplemented November 18, 1987

Brief description of amendments: The amendments modified the Technical Specifications to increase the limit placed on the amount of time the 4-inch Containment Air Release and Addition system valves may be open from 2000 hours per calendar year to 3000.

Date of issuance: December 11, 1987

Effective date: December 11, 1987

Amendment Nos.: 36 and 28

Facility Operating License Nos. NPF-35 and NPF-52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1986 (52 FR 42360) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 11, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: March 7, 1986, as supplemented June 12 and July 1, 1987

Brief description of amendments: The amendments modified the Technical Specifications primarily to eliminate typographical errors, provide additional clarification and improve consistency.

Date of issuance: December 14, 1987

Effective date: December 14, 1987

Amendment Nos.: 37 and 29

Facility Operating License Nos. NPF-35 and NPF-52. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 27, 1986 (51 FR 30565) The June 12 and July 1, 1987 supplements did not significantly alter the substance of the changes noticed in the **Federal Register** on August 27, 1986, and did not affect the proposed no significant hazards consideration determination. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 14, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

No significant hazards consideration comments received: No

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, Docket Nos. 50-269, 50-270, and 50-287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: August 13, 1986, as supplemented May 14, 1987

Brief description of amendments: The amendments modified the Technical Specifications to raise the reactor protection system high reactor coolant system pressure trip setpoint from 2300 psig to 2355 psig.

Date of Issuance: December 7, 1987

Effective date: December 7, 1987

Amendment Nos.: 164, 164, and 161

Facility Operating Licenses Nos. DPR-38, DPR-47, and DPR-55. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 26, 1987 (52 FR 5853) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 7, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691

Duke Power Company, Docket Nos. 50-269, 50-270 and 50-287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: August 15, 1985

Brief description of amendments: The amendments revise the TSs to correct typographical errors in several sections; correct a section title in the Table of Contents; address a change in nomenclature; update Final Safety Analysis Report (FSAR) references; delete out-of-date footnotes; delete an unnecessary section; change wording for clarification; and also, update organizational charts that appear in the TSs. Proposed revisions to TS page 6.1-5 are denied because the licensee did not provide any technical justification or no significant hazards consideration determination.

Date of Issuance: December 11, 1987

Effective date: December 11, 1987

Amendment Nos.: 165, 165, and 162

Facility Operating License Nos. DPR-38, DPR-47, and DPR-55. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 23, 1985 (50 FR 43025) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 11, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: February 24, 1987

Brief description of amendment: The amendment, which is a partial response to the above submittal, changes the Technical Specifications for Beaver Valley Unit No. 1 to incorporate a number of changes in the areas of instrumentation and administrative controls.

Date of issuance: December 7, 1987

Effective date: December 7, 1987

Amendment No. 120

Facility Operating License No. DPR-66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 6, 1987 (52 FR 16944) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 7, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: May 20, 1987

Brief description of amendment: This amendment reflects the installation of a dedicated emergency feedwater (EFW) tank which will serve as the primary source of water for the emergency feedwater system, and updates the Bases to reflect the installation of the dedicated emergency feedwater tank and the analysis clarifications which are based on improved understanding of the length of time and amount of feedwater required for cooldown following a postulated loss of offsite power.

Date of issuance: December 14, 1987

Effective date: December 14, 1987

Amendment No.: 102

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 12, 1987 (52 FR 29916) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 14, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: April 15, 1987, as supplemented July 17, 1987, September 16, 1987, and October 27, 1987.

Brief description of amendment: This amendment provides revised Technical Specifications (TS) to support operation of Crystal River Unit 3 for Fuel Cycle 7.

Date of issuance: December 14, 1987

Effective date: December 14, 1987

Amendment No.: 103

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1987 (52 FR 43261) The October 27, 1987 letter provided supplemental information which did not alter the staff's initial determination of no significant hazards consideration published in the **Federal Register.** The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 14, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: February 13, 1987

Brief description of amendments: The amendments modify the Technical Specifications to incorporate the revised reporting requirements of 10 CFR 50.72 and 50.73 and the revised reporting requirements for primary coolant iodine spiking and remove existing requirements for plant shutdown if primary coolant iodine activity limits are exceeded for 800 hours within a 12-month period.

Date of issuance: December 1, 1987

Effective date: December 1, 1987

Amendment Nos.: 149 and 86

Facility Operating License Nos. DPR-57 and NPF-5. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 15, 1987 (52 FR 26587) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 1, 1987

No significant hazards consideration comments received: No

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: June 18, 1987 as supplemented July 31, 1987 and revised October 8, 1987.

Brief description of amendment: The amendment revised Section 6.0, Administrative Controls, of the Technical Specifications. The changes include revisions to the River Bend Nuclear Group Organization, the River Bend Station Organization, and the composition of both the Facility Review Committee and the Nuclear Review Board. In addition, the Technical Specifications have been changed to meet the Commission Policy Statement on Engineering Expertise on Shift.

Date of issuance: December 9, 1987.

Effective date: December 9, 1987.

Amendment No.: 17

Facility Operating License No. NPF-47. The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 9, 1987 (52 FR 34007). The licensee's October 8, 1987 submittal provided organizational figures which originally had been proposed be deleted, clarified the organizational changes and the qualifications of the shift technical advisor, and increased the membership of the Nuclear Review Board to 12 from the 11 proposed originally. This submittal did not alter the NRC staff's determination of no significant hazards as published in the **Federal Register.** The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 9, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Indiana and Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendments: May 19, 1986 as revised July 16, 1987

Brief description of amendments: The amendments revised the Technical Specifications by adding requirements for the containment sump level and flow monitoring system for both units and by correcting a duplication of surveillance requirements on the reactor coolant leakage detection system for Unit 1.

Date of issuance: December 10, 1987

Effective date: December 10, 1987

Amendment Nos.: 112 and 95.

Facility Operating License Nos. DPR-58 and DPR-74. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 26, 1987 (52 FR 32203) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 10, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085

Mississippi Power & Light Company, System Energy Resources, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: October 9, 1987

Brief description of amendment: The amendment adds two maximum planar linear heat generation rate (MAPLHGR) curves for two new types of fuel assemblies being loaded into the core for fuel cycle 3 and remove one MAPLHGR curve for a type fuel assembly being unloaded. In addition, the average planar exposure limit is increased from 25,000 megawatt days per short ton (MWD/ST) to 28,500 MWD/ST. Administrative changes were made to reflect the new fuel types and to correct an error in one figure.

Date of issuance: December 15, 1987

Effective date: December 15, 1987

Amendment No. 39

Facility Operating License No. NPF-29. This amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1987 (52 FR 42365) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 15, 1987.

No significant hazards consideration comments received: No

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154

Mississippi Power & Light Company, System Energy Resources, Inc., South Mississippi Electric Power Association, Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Dates of application for amendment: July 31, 1987, September 10, 1987 and December 11, 1987.

Brief description of amendment: This amendment changes Technical Specifications Section 6, "Administrative Controls," to reflect changes in the offsite organization in several areas. Changes in the quality assurance organization provide a two-manager system that more clearly separates the in-line quality control functions of inspection and deficiency control from the independent quality assurance functions of audits, implementation observations and assessments. Changes in the projects organization provide a more equal distribution of workload and a more effective management chain. Changes in the administrative support area

consolidate support functions of word processing and other office support services within a new Support Services group that is not included in the Technical Specifications. Other changes involve title changes to more accurately reflect present responsibilities.

Date of issuance: December 15, 1987
Effective date: December 15, 1987
Amendment No. 40
Facility Operating License No. NPF-29. This amendment revised the Technical Specifications.
Date of initial notice in Federal Register: September 9, 1987 (52FR 34013) and October 7, 1987 (52FR 37548) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 15, 1987.
No significant hazards consideration comments received: No
Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: June 22, 1987.
Brief description of amendment: The amendment changed Sections 3.4 and 4.4 of the Technical Specifications in order to accomplish the purpose of 10 CFR Part 50, Section 50.62(c)(4), related to the standby liquid control system (SLCS). A related exemption was also issued at the same time.
Date of issuance: December 11, 1987
Effective date: December 11, 1987
Amendment No.: 56.
Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.
Date of initial notice in Federal Register: July 29, 1987 (52 FR 28369 at 28381) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 11, 1987.
No significant hazards consideration comments received: No.
Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: June 10, 1986, as supplemented December 1, 1986.
Brief description of amendments: The amendments add the laundry and solid waste storage facility to Figure 5.1-3 of the Technical Specifications to identify this facility as a routine radioactive gaseous release point.
Date of Issuance: December 16, 1987
Effective date: December 16, 1987
Amendment Nos: 24 and 23
Facility Operating Licenses Nos. DPR-80 and DPR-82: Amendments revised the Technical Specifications.
Date of initial notice in Federal Register: April 22, 1987 (52 FR 13342) The letter of December 1, 1986 provided supplemental information which did not change the initial proposed determination of no significant hazards consideration. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 16, 1987.
No significant hazards consideration comments received: No
Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Date of application for amendments: May 14, 1987, as supplemented September 10, 1987.
Brief description of amendments: The amendments change the control sample (background) location for radioactivity sampling in fish from a location one-quarter of a mile from Diablo Cove to a new location three miles to the South of Diablo Cove. The amendments also correct a typographical error found in the environmental sampling program table.
Date of Issuance: December 16, 1987
Effective date: December 16, 1987
Amendment Nos: 25 and 24
Facility Operating Licenses Nos. DPR-80 and DPR-82: Amendments revised the Technical Specifications.
Date of initial notice in Federal Register: August 12, 1987 (52 FR 29927). The September 10, 1987 letter provided supplemental information which clarified the reason for the change in location of the fish sampling. The clarification did not change the initial proposed determination of no significant hazards consideration nor the subject of the amendment described in the August Federal Register notice. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 16, 1987
No significant hazards consideration comments received: No
Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407

Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: May 20, 1987, as supplemented September 16, 1987.
Brief description of amendment: The amendment, approves, and incorporates into the license, changes to the physical security plan by deleting the condensate storage tank from classification as vital equipment.
Date of issuance: December 7, 1987
Effective date: December 7, 1987
Amendment No.: 138
Facilities Operating License No. NPF-1: Amendment revised paragraph 2.D of the license.
Date of initial notice in Federal Register: August 26, 1987 (52 FR 32208).
No significant hazards consideration comments received: No.
Local Public Document Room location: Portland State University Library, 731 S. W. Harrison St., Portland Oregon 97207.
Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California
Date of application for amendment: September 22, 1986 as supplemented February 20, 1987 and November 25, 1987.
Brief description of amendment: This amendment redefines "Refueling Interval" and extends the surveillance interval of internal vent valves to Cycle 8 refueling.
Date of issuance: December 7, 1987
Effective date: December 7, 1987
Amendment No.: 92
Facility Operating License No. DPR-54: Amendment revised the Technical Specifications.
Date of initial notice in Federal Register: August 26, 1987 (52 F.R. 32209). The November 25, 1987 submitted was a clarification involving cumulative testing intervals and did not change the substance of the noticed amendment. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 7, 1987
No significant hazards consideration comments received: No
Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California 95814

Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: October 9, 1987

Brief description of amendment: This amendment revises the Technical Specifications to permit an extension in the next due dates for performing the tests and inspections required by Surveillance Requirements 4.8.1.1.2.d.1 and 4.8.1.1.2.d.3.(c) from January 3, 1988, and December 10, 1987, to March 31, 1988, and March 20, 1988, for EDG 1-1 and EDG 1-2 respectively. In addition, the amendment clarifies Surveillance Requirement 4.8.1.1.2.d.3 by correctly referring to the safety features actuation system test signal.

Date of issuance: December 8, 1987

Effective date: December 8, 1987

Amendment No. 105

Facility Operating License No. NPF-3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 4, 1987 (52 FR 42371) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 8, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: February 23, 1987

Brief description of amendments: The amendments modify the Techncial Specifications to allow the accumulator water volume to vary between 975 and 1025 ft^3 per accumulator instead of 975 and 989 ft^3 per accumulator, and the height dependent heat flux hot channel factor ($F_Q(z)$) to be as high as 2.32 instead of 2.18 as presently stated in the Technical Specifications.

Date of issuance: December 10, 1987

Effective date: December 10, 1987

Amendment Nos. 115 and 115

Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 15, 1987 (52 FR 26602) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 10, 1987.

No significant hazards consideration comments received: No

Local Public Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Wolf Creek Nuclear Operating Corporation, Kansas Gas and Electric Company, Kansas City Power & Light Company, Kansas Electric Power Cooperative, Inc., Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: May 14, 1987 and a supplement dated August 31, 1987.

Brief description of amendment: The amendment revises Wolf Creek Generating Station (WCGS) Technical Specification Section 6.5.2 to replace the table of qualified personnel who are designated as members of the Nuclear Safety Review Committee (NSRC). This table will consist of eight members, including the Chairman, from Wolf Creek Nuclear Operating Corporation (WCNOW) organization or from outside organizations. These members shall meet or exceed the requirements of ANSI/ANS 3.3-1981. A specific list of NSRC members similar to Technical Specification Section 6.5.2.2 will be maintained in a WCNOC procedure.

Date of issuance: December 10, 1987

Effective date: December 10, 1987

Amendment No.: 14

Facility Operating License No. NPF-42. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 3, 1987 (52 FR 20806) he licensee's August 31, 1987 supplement clarified the May 14, 1987 application to indicate that the NSRC members would meet the requirements of the 1981 revision of ANSI/ANS 3.3 rather than an earlier version. This additional clarification is acceptable to the staff and does not alter the NRC staff's conclusion regarding a no significant hazards consideration, nor does it change the subject of the amendment as previously described in the **Federal Register.** The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 10, 1987.

No significant hazards consideration comments received: No.

Local Public Document Room location: Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka Kansas.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communi-cation for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may

provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By January 29, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Project Director):* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: April 15, 1987

Brief description of amendment: This amendment (1) changes the current Technical Specification (TS) Section 4.5.1.d by deleting the requirement to verify each core flooding tank isolation valve closed alarm by an actuation test and replacing it with a requirement to perform a channel calibration of each alarm; and (2) adds to TS Bases 3/4.5.1 a description of the actuation of the core flooding tank isolation valve closed alarm.

Date of issuance: December 14, 1987

Effective date: December 14, 1987

Amendment No.: 101

Facility Operating License No. DPR-72. Amendment revised the Technical Specifications. Public comments requested as to proposed no significant hazards consideration: Yes. A notice requesting public comments and opportunity for a hearing was published in the **Federal Register** on November 25, 1987 (52 FR 45260). Comments or request for a hearing received: No. The notice published on November 25, 1987 allowed the public 15 days to comment and until December 10, 1987 to file a petition for leave to intervene on the proposed amendment. The public should have been allowed 30 days to file a petition. This notice, which will be published in the **Federal Register** as part of the Biweekly Sholly Report on December 30, 1987, correctly provides a 30 day period for the public to file a petition for leave to intervene with respect to this amendment. The Commission's related evaluation of the amendment, consultation with the State and final determination of no significant hazards consideration is contained in a Safety Evaluation dated December 14, 1987.

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20037

Local Public Document Room Location: Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida 32629

NRC Project Director: Herbert N. Berkow

Dated at Bethesda, Maryland this 24th day of December 1987.

FOR THE NUCLEAR REGULATORY COMMISSION

Dennis M. Crutchfield,

Director, Division of Reactor Projects- III, IV, V and Special Projects Office of Nuclear Reactor Regulation.

[Doc. 87-29886 Filed 12-29-87; 8:45 am]

BILLING CODE 7590-01-D

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Meeting

Notice is hereby given of the meeting of the Prospective Payment Assessment Commission on Wednesday, January 13, 1987, at the Hyatt Regency Crystal City at Washington National Airport, 2799 Jefferson Davis Highway, Arlington, Virginia.

The Full Commission will convene its meeting at 7:30 A.M. in Regency Rooms A and B on the Second Concourse, and is open to the public.

Executive Director.

Donald A. Young,

[FR Doc. 87-29836 Filed 12-29-87; 8:45 am]

BILLING CODE 6820-BW-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2300]

Arkansas; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on December 17, 1987, I find that Crittenden County in the State of Arkansas constitutes a disaster area because of damage from tornadoes which occurred on December 14, 1987. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on February 16, 1988, and for economic injury until the close of business on September 19, 1988, at:

Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051.

or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit) organizations including charitable and religious organizations)	9.000

The number assigned to this disaster is 230012 for physical damage and for economic injury the number is 658300.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: December 21, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87-29892 Filed 12-29-87; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2301]

Puerto Rico; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on December 17, 1987, I find that the following municipalities in the Commonwealth of Puerto Rico constitute a disaster area because of damage from severe storms and flooding beginning on November 24, 1987: Adjuntas, Aibonito, Canovanas, Carolina, Coamo, Fajardo, Gurabo, Humacao, Junana Diaz, Las Piedras, Loiza, Maunabo, Maguabo, Patillas, Ponce, Rio Grande, Sabana Grande, Salinas, San Lorenzo, Yabucoa, and Yauco.

Eligible persons, firms, and organizations may file applications for physical damage until the close of business on February 16, 1988, and for economic injury until the close of business on September 19, 1988, at: Disaster Area 1 Office, Small Business Administration, 15-01 Broadway, Fair Lawn, New Jersey 07410; or other locally announced locations.

The interest rates are:

Homeowners with credit available elsewhere—8.000%

Homeowners without credit available elsewhere—4.000%

Businesses with credit available elsewhere—8.000%

Businesses without credit available elsewhere—4.000%

Businesses (EIDL) without credit available elsewhere—4.000%

Other (non-profit organizations including charitable and religious organizations)—9.000%

The number assigned to this disaster is 230106 for physical damage and for economic injury the number is 658400.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: December 21, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87-29891 Filed 12-29-87; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. small Business Administration, Region I Advisory Council, located in the geographical area of Montpelier, Vermont, will hold a public meeting at 10:00 a.m. Wednesday, February 10, 1988, at the Holiday Inn, Waterbury, Vermont, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Ora H. Paul, District Director, U.S. Small Business Administration, Federal Building, 87 State Street, P.O. Box 605, Montpelier, Vermont 05602. (802) 828-4422.

Jean M. Nowak,

Director, Office of Advisory Councils.

December 22, 1987.

[FR Doc. 87-29890 Filed 12-29-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Advisory Committee on International Intellectual Property; Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session on Tuesday, January 26, 1988, in Room 1107 of the Department of State. The meeting will begin at 10:00 a.m. and will conclude at 1:00 p.m.

The meeting will be open to the general public. This meeting of the International Copyright Panel is being convened to present reports on major international copyright developments in 1987 and to obtain private sector views on certain upcoming events in 1988.

The public attending may, as time permits and subject to the instructions of the Chairperson, participate in the discussions or may submit their views in writing to the chairperson prior to, or at the meeting, for later consideration by the Committee.

Members of the public who plan to attend the meeting will be admitted up to the limits of the conference room's capacity. Members of the general public who plan to attend the meeting are requested to provide their name, affiliation, address and phone number to Ms. Bobbi Tinsley, Office of Business Practices, Department of State, telephone (202) 647–1825, prior to January 26, 1988. All attendees to the meeting should use the Main Entrance (2201 C Street, NW.) of the Department of State Building.

Date: December 18, 1987.

Harvey J. Winter,

Executive Secretary.

[FR Doc. 87–29837 Filed 12–29–87; 8:45 am]

BILLING CODE 4710–07–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

List in Compliance With Section 135(c) of Pub. L. 100–202

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative ("USTR") is publishing the list below in compliance with the requirements of section 135(a) of the continuing resolution on the Fiscal Year 1988 budget, H.J. Res. 395 (Pub. L. 100–202, 101 Stat. 1329).

EFFECTIVE DATE: December 30, 1987.

FOR FURTHER INFORMATION CONTACT: Beverly Vaughan, Director for Procurement Trade Policy, Office of the United States Trade Representative ("USTR"), 600 17th St. NW., Washington, DC 20506, (202) 395–3063 (procurement issues); Amelia Porges, Associate General Counsel, USTR, (202) 395–7305 (legal issues); Glen Fukushima, Director of Japan Affairs, USTR, (202) 395–5070 (Japanese issues).

Discussion: The continuing resolution on the Fiscal Year 1988 Budget, H.J. Res. 395, was signed and enacted as Pub. L. 100–202, on December 22, 1987. Section 135(a) of Pub. L. 100–202 provides certain requirements and prohibitions applicable to Federal public works procurement. Section 135(c) requires the USTR to maintain a list of certain foreign countries. The legislative history specifies that the list shall be created on the date of enactment and shall include initially "the country of Japan and any other country which has expressed a policy of denying [fair and equitable] market opportunities" for products and services of the United States, in bidding or procurement for certain construction projects. The relevant construction projects are those that cost over $500,000 each and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country. Not later than 30 days after enactment of Pub. L. 100–202, the USTR is required to determine whether other foreign countries deny such market opportunities. If a foreign country is found to deny such opportunities, the USTR must then include that country on this list.

The attached list implements this statutory mandate, on the basis of the requirements in Pub. L. 100–202 and the information presently available to me.

Michael B. Smith,

Acting United States Trade Representative.

Attachments

List Pursuant to Section 135(c) of Pub. L. 100–202

Japan.

[FR Doc. 87–29928 Filed 12–29–87; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

[Docket 45163]

Spokane-Vancouver Service Case; Hearing

Notice is hereby given that the hearing in the above-entitled case is to be held on January 26, 1988 at 10 a.m. (local time) in Room 5332, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, before the undersigned administrative law judge.

Daniel M. Head,

Administrative Law Judge.

[FR Doc. 87–29862 Filed 12–29–87; 8:45 am]

BILLING CODE 4910–62–M

Maritime Administration

[Docket S–821]

Farrell Lines Inc.; Application

In the matter of a notice of application pursuant to section 605(c) of the Merchant Marine Act, 1936, as amended, to remove subsidized sailing restrictions on TR 13.

Notice is hereby given that Farrell Lines Incorporated (Farrell) by application dated December 9, 1987, has applied pursuant to section 605(c) of the Merchant Marine Act, 1936, as amended (Act), to remove a restriction in its Operating-Differential Subsidy (ODS) Contract imposed in December 1980, which limits Farrell to a maximum of 15 subsidized sailings annually from U.S. South Atlantic ports to ports in North Africa.

Farrell operates, *inter alia*, subsidized liner service on Trade Route (TR) 10 (U.S. North Atlantic/Mediterranean) with the privilege of calling at TR 13 ports (U.S. South Atlantic/Mediterranean) on all TR 10 voyages. Farrell's ODS Contract MA/MSB–482 requires Farrell to make a minimum of 44 and a maximum of 66 voyages on TR 10.

Farrell has served a wide range of ports in the Mediterranean on TR 10 and TR 13, including ports in North Africa (Morocco, Algeria, Tunisia, and Egypt) and has provided regular containership service on TR 10/13 from Charleston, South Carolina, to North Africa, particularly Egypt, since late June of 1986, on approximately half its sailings. Its first 15 sailings per year from Charleston to North Africa has been subsidized. The remainder have been subject to a reduction of subsidy resulting from the TR 13 North Africa limitation.

Farrell believes that section 605(c) is not a bar to an amendment to its ODS Contract which would authorize payment of subsidy, without limitation, for all Farrell's sailings serving TR 10 and South Atlantic portion of TR 13. This is because, in Farrell's view, (a) Farrell has an existing fortnightly service from U.S. South Atlantic ports to North Africa and payment of full subsidy for this segment of Farrell's

voyages would not give undue advantage or be unduly prejudicial to any U.S.-flag carrier which may now operate in the trade, and (b) existing U.S.-flag service, other than that provided by Farrell, is grossly inadequate and, in the accomplishment of the purposes and policies of the Act, additional U.S.-flag subsidized sailings should be operated between U.S. South Atlantic ports and North African ports.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5:00 p.m. on January 15, 1988. The Maritime Subsidy Board will consider any comments submitted and take such action with respect thereto as may be deemed appropriate

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies))

By Order of the Maritime Subsidy Board.

Date: December 23, 1987.

Joel C. Richard

Assistant Secretary.

[FR Doc. 87-29858 Filed 12-29-87; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 651]

Commerce in Explosives; List of Explosive Materials

Pursuant to the provisions of section 841(d) of Title 18, United States Code, and 27 CFR 55.23, the Director, Bureau of Alcohol, Tobacco, and Firearms, must publish and revise at least annually in the **Federal Register** a list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This Chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in section 841(c) of Title 18, United States Code.

Accordingly, the following is the 1988 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the **Federal Register** and blasting agents. The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is *not* all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the List of Explosive Materials dated December 29, 1986 (50 FR 50578) and will be effective as of January 1, 1988).

List of Explosive Materials

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
*Ammonium nitrate explosive mixtures (non cap sensitive).
Aromatic nitro-compound explosive mixtures.
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
*ANFO [ammonium nitrate-fuel oil].

B

Baratol.
Baronol.
BEAF [1, 2-bis (2, 2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
*Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and water-gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis(trinitroethyl) carbonate].
BTNEN (bis(trinitroethyl) nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclotol.

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM.
Dipicryl sulfone.
Dipicrylamine.
DNDP [dinitropentano nitrile].
DNPA [2.2-dinitropropyl acrylate].
Dynamite.

E

EDDN [ethylene diamine dinitrate].
EDNA.
Ednatol.
EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitro form).
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders

F

Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.

Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Initiating tube systems.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
MEAN [monoethanolamine nitrate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Metriol trinitrate.
Mino1-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
MMAN [monomethylamine nitrate]; methylamine nitrate.
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN)
Nitroguanidine explosives.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.

P

PBX [RDX and plasticizer].
Pellet powder.
Penthrinite composition.
Pentolite.
PYX [2,6-bis(picrylamino)-3,5-dinitropyridine
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite, tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid (explosive grade).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].

S

Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium azide.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene].
TATB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate).
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethyl orthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).
Water-in-oil emulsion explosive compositions.

X

Xanthamonas hydrophilic colloid explosive mixture.

FOR FURTHER INFORMATION CONTACT: Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202–566–7591).

Signed: December 22, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87–29706 Filed 12–29–87; 8:45 am]

BILLING CODE 4810-31-M

Fiscal Service

[4–00236]

Renegotiation Board Interest Rate; Prompt Payment Interest Rate; and Contracts Disputes Act

Although the Renegotiation Board is no longer in existence, other Federal Agencies are required to use interest rates computed under the criteria established by the Renegotiation Act of 1971 (Pub. L. 92–41). For example, the Contracts Disputes Act of 1978 (Pub. L. 95–563) and the Prompt Payment Act (Pub. L. 97–177) are required to calculate interest due on claims "* * * at a rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41 (85 Stat. 97) for the Renegotiation Board."

Therefore, notice is hereby given that, pursuant to the above mentioned sections, the Secretary of the Treasury has determined that the rate of interest

applicable for the purpose of said sections, for the period beginning January 1, 1988 and ending on June 30, 1988, is 9⅜ per centum per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 87-29838 Filed 12-29-87; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Scientific Review and Evaluation Board for Health Services Research and Development; Meeting

The Veterans Administration gives notice under Pub. L. 92-463 that an advisory committee meeting of the Scientific Review and Evaluation Board for Health Services Research and Development will be held at the Radisson Park Terrace Hotel, 1515 Rhode Island Avenue, NW., Washington, DC, on January 12 and 13, 1988. The meeting will be open at 8 a.m. on January 12 and 13 and adjourn at 5 p.m. on January 12 and 3:30 p.m. on January 13, 1988. The purpose of the meeting will be to review research and development applications concerned with the measurement and evaluation of health care systems and with testing new methods of health care delivery and management. Applications are reviewed for scientific and technical merit and recommendations regarding their funding are prepared for the Assistant Chief Medical Director for Research and Development.

The meeting will be open to the public (to the seating capacity of the room) at the start of the January 12th session for approximately one hour to cover administrative matters and to discuss the general status of the program.

The closed portion of the meeting involves: Discussion, examination, reference to, and oral review of staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. As provided by subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, closing portions of these meetings is in accordance with 5 U.S.C., 552b (c)(6) and (9)(B).

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mrs. Carolyn Smith, Program Analyst, Health Services Research and Development Service, 810 Vermont Avenue, NW., Washington, DC 20420, (phone: 202/233-5365) at least 5 days before the meeting.

Dated: December 23, 1987.

By direction of the Administrator:

Dennis R. Boxx,

Deputy Associate Deputy Administrator for Public Affairs.

[FR Doc. 87-29831 Filed 12-29-87; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Tuesday, December 29, 1987, 10:00 a.m.

LOCATION: Room 440, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: The Commission will consider Enforcement Matter OS# 4572.

For a recorded message containing the lastest agenda information, call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

December 24, 1987.

[FR Doc. 87–30015 Filed 12–28–87; 8:45 am]

BILLING CODE 6355–01–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 28, 1987, January 4, 11, and 18, 1988.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of December 28

No Commission Meetings.

Week of January 4—Tentative

Wednesday, January 6

10:00 a.m.
Briefing on Status of NRC Internal Drug Program (Public Meeting)

Thursday, January 7

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Briefing on Status of Maintenance Program and Policy Statement/Advanced Notice of Proposed Rulemaking (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of January 11—Tentative

No Commission Meetings.

Week of January 18—Tentative

Wednesday, January 20

10:00 a.m.
Briefing on Status of Sequoyah Restart (Public Meeting)
2:00 p.m.
Briefing on NRC Technical Training Program (Public Meeting)

Thursday, January 21

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for South Texas (Public Meeting) (Tentative)
2:00 p.m.
Briefing on Regulation of Transportation of Radioisotopes and Results of the Modal Study (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meetings Call: (Recording)—(202) 634–1498.

CONTACT PERSON FOR FURTHER INFORMATION: Andrew Bates (202) 634–1410.

Andrew L. Bates,

Office of the Secretary.

December 23, 1987.

[FR Doc. 87–29903 Filed 12–28–87; 9:19 am]

BILLING CODE 7590–01–M

POSTAL SERVICE, BOARD OF GOVERNORS

Amendment to Notice of Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 48621, December 23, 1987.

PREVIOUSLY ANNOUNCED DATE OF MEETING: January 4, 1988.

CHANGE: Delete the following:

1. Capital Investment: South Tampa Bay, FL., Mail Processing Center.

CONTACT PERSON FOR MORE INFORMATION: David F. Harris, (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 87–29930 Filed 12–28–87; 10:18 am]

BILLING CODE 7710–12–M

Corrections

Federal Register
Vol. 52, No. 250
Wednesday, December 30, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

United States Department of Energy et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

Correction

In notice document 87-26018 beginning on page 43221 in the issue of Tuesday, November 10, 1987, make the following corrections:

1. On page 43221, in the second column, in the second paragraph from the bottom, in the last two lines, the date should read "October 2, 1987".

2. On the same page, in the same column, after the second paragraph from the bottom insert the following:

Docket Number: 87-259. *Applicant:* University of Wisconsin, Madison, WI 53706-1572. *Instrument:* Demonstration Model of Measuring Machine. *Manufacturer:* Institut fur Werkzeugmaschinenbau und Fertigungstechnik, Switzerland. *Intended Use:* See notice at 52 FR 32824, August 31, 1987. *Reasons for This Decision:* The foreign article provides three axis, adjustable non-perpendicularities, roll, pitch and yaw movements and adjustable scales for linearity and non-linearity. *Advice Submitted by:* National Bureau of Standards, September 29, 1987.

Docket Number: 87-257. *Applicant:* University of Miami, Coral Gables, FL 33124. *Instrument:* Digital Controllers. *Manufacturer:* GDS Instruments, Ltd., United Kingdom. *Intended use:* See notice at 52 FR 32823, August 31, 1987. *Reasons for This Decision:* The foreign article is a programmable source of pressure generation, strain and displacement applications providing consistently precise and accurate measurements. *Advice Submitted by:* National Bureau of Standards, September 29, 1987.

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

University of Illinois et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

Correction

In notice document 87-26024 beginning on page 43224 in the issue of Tuesday, November 10, 1987, make the following correction:

On page 43225, in the second column, in the second paragraph, in the first line, "87-161" should read "87-141".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 7E3532/P436; FRL-3302-2]

Pesticide Tolerance for 2-(2-Chlorophenyl)Methyl-4,4-Dimethyl-3-Isoxazolidinone

Correction

In proposed rule document 87-28611 beginning on page 47733 in the issue of Wednesday, December 16, 1987, make the following correction:

On page 47733, in the first column, under **DATE**, in the second and third lines, the document control number should read "PP 7E3532/P436".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPTS-62036B; FRL-3305-1]

Asbestos; Proposed Release of Information

Correction

In proposed rule document 87-29263 beginning on page 48286 in the issue of Monday, December 21, 1987, make the following corrections:

1. On page 48286, in the first column, in the heading, "OPTS-6203B" should read "OPTS-62036B"

2. On the same page, in the third column, in the first complete paragraph, in the sixth line, "the sources" should read "three sources".

3. On page 48287, in the first column, in the first complete paragraph, in the 14th line, "contracting" should read "contacting".

4. On page 48288, in the second column, in the first complete paragraph, in the 20th line, "contracted" should read "contacted".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-00087; FRL-33044]

Biotechnology Science Advisory Committee; Open Meeting

Correction

In notice document 87-29157 appearing on page 48155 in the issue of Friday, December 18, 1987, make the following correction:

In the second column, under **SUMMARY**, in the last line, "produce" should read "product".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[PF-488; FRL-3301-4]

Pesticide Tolerance Petitions; Dennis Edwards et al.

Correction

In notice document 87-28509 appearing on page 47754 in the issue of Wednesday, December 16, 1987, make the following correction:

In the third column, in paragraph 7, the ninth line should read "oxo-1H-imidazol-2-yl]-3-".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 872

[Docket No. 78N-2830]

Dental Devices; General Provisions and Classifications of 110 Devices

Correction

In rule document 87-18265 beginning on page 30082 in the issue of Wednesday, August 12, 1987, make the following corrections:

§872.6080 [Corrected]

On page 30105, in § 872.6080(a), in the first column, in the second line, "dental" was misspelled; in the fifth line, after "paper", remove the typesetting code "I11" and start a new paragraph beginning with (b). Also, in the sixth line, after " Class III", remove the typesetting code, "I11" and start a new paragraph with (c).

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Grants for Nurse Practitioner Traineeship Programs

Correction

In rule document 86-15864 beginning on page 25891 in the issue of Thursday, July 17, 1986, make the following correction:

§ 57.2615 [Corrected]

On page 25895, in the first column, in § 57.2615(c)(3), in the second line, "possible" should read "impossible".

BILLING CODE 1505-01-D

INFORMATION SECURITY OVERSIGHT OFFICE

32 CFR Part 2003

National Security Information Standard Forms

Correction

In rule document 87-29152 appearing on page 48367 in the issue of Monday, December 21, 1987, make the following corrections:

1. In the first column, under **SUMMARY**, in the first line, "amendment" was misspelled.

§ 2003.20 [Corrected]

2. In the third column, in § 2003.20(h)(1)(i), in the 14th line, "of Executive" should read "or Executive"; and in the 17th line, "classification" was misspelled.

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-206, 50-361 and 50-362]

Proposed Corporate Restructuring; Southern California Edison Co., et al.

Correction

In notice document 87-28223 appearing on page 46694 in the issue of Wednesday, December 9, 1987, make the following corrections:

1. In the first column, in the first paragraph, in the 33rd line, "co-workers" should read "co-owners".

2. In the second column, in the FR Docket line "87-20223" should read "87-28223".

BILLING CODE 1505-01-D

federal register

Wednesday
December 30, 1987

Part II

Department of Health and Human Services

Office of Human Development Services

FY 1988 Coordinated Discretionary Funds Program; Availability of Funds and Request for Applications; and Request for Public Comment on Fiscal Year 1988 Developmental Disabilities Proposed Projects of National Significance; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. HDS-88-2]

FY 1988 Coordinated Discretionary Funds Program; Availability of Funds and Request for Applications; and Request for Public Comment on Fiscal Year 1988 Developmental Disabilities Proposed Projects of National Significance

AGENCY: Administration on Aging, Administration for Children, Youth and Families, Administration on Developmental Disabilities, Administration for Native Americans, Office of Human Development Services, HHS.

ACTION: Announcement of availability of funds and request for applications under the Office of Human Development Services' Coordinated Discretionary Funds Program; and request for public comment on proposed topics for research and demonstration for the developmental disabilities Projects of National Significance.

SUMMARY: The Office of Human Development Services (HDS) announces the beginning of its Coordinated Discretionary Funds Program for Fiscal Year 1988 and proposes, for public comment, topics for research and development for Projects of National Significance under the developmental disabilities program.

Funding for HDS grants and cooperative agreements is authorized by legislation governing the discretionary programs of the three Program Administrations within HDS—the Administration on Aging (AoA); the Administration for Children, Youth and Families (ACYF); and the Administration for Native Americans (ANA).

Unlike previous years, the Administration on Developmental Disabilities (ADD) will not be funding applications under this announcement. Instead, it is requesting comments on proposed Projects of National Significance.

This program announcement consists of four parts. Part I, the Preamble, discusses the purpose of the HDS Coordinated Discretionary Funds Program, and lists the statutory funding authorities.

In addition, section C of Part I lists ADD's proposed priority areas for future funding of Projects of National Significance. Public comments on these and other suggested research and demonstration projects are invited. *No applications should be submitted at this time based on these ADD priorities.* Part II describes the programmatic priorities under which HDS solicits applications for funding of projects. Part III provides the necessary background information for applicants. Part IV describes in detail how to prepare and submit an application. All of the forms and instructions necessary to submit an application are published as part of this announcement following Part IV.

No separate application kit is either necessary or available for submitting an application. If you have a copy of this announcement, you have all the information and forms required to submit an application.

Grants will be made under this program announcement subject to the availability of funds for support of these activities.

DATES: The closing date for receipt of applications under this announcement is March 18, 1988. The closing date for receipt of comments on the ADD priorities is February 29, 1988. Comments received after this date may not be considered.

ADDRESSES: Application receipt point: Department of Health and Human Services, HDS/Grants and Contracts Management Division, 200 Independence Avenue, SW., Room 724-F, Washington, DC 20201, Attn: HDS-88-2.

Comments on ADD priority areas: Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, 200 Independence Avenue, SW., Room 351-D, Washington, DC 20201.

This program announcement is available as an electronic document through the HDS Computer Bulletin Board. Organizations equipped with computers and modems may link to the bulletin board by calling (202) 755-1642. Most popular communications programs will work. The correct settings are 8 data bits, one stop bit, no parity, 1,200 bits per second (BAUD).

FOR FURTHER INFORMATION CONTACT: Department of Health and Human Services, HDS/Office of Policy, Planning and Legislation, Division of Research and Demonstration, 200 Independence Avenue, SW., Room 724-F, Washington, DC 20201. Telephone (202) 755-4633. To provide 24 hour coverage, calls to this number may be answered by an answering machine. Only information related to applications will be provided through this contact.

SUPPLEMENTARY INFORMATION:

Part I—Preamble

Executive Order 12606: The Family

In developing the goals of the Office of Human Development Services (HDS) and the specific priority areas listed in this program announcement, HDS has applied the Family Policy making Criteria established by the President in Executive Order 12606. These criteria are in the form of questions used to assess policies and regulations that may have a significant impact on family formation, maintenance, and general well-being:

(a) Does this action by government strengthen or erode the stability of the family and, particularly, the marital commitment?

(b) Does this action strengthen or erode the authority and rights of parents in the education, nature, and supervision of their children?

(c) Does this action help the family perform its functions, or does it substitute governmental activity for the function?

(d) Does this action by government increase or decrease family earnings? Do the proposed benefits of this action justify the impact on the family budget?

(e) Can this activity be carried out by a lower level of government or by the family itself?

(f) What message, intended or otherwise, does this program send to the public concerning the status of the family?

(g) What message does it send to young people concerning the relationship between their behavior, their personal responsibility, and the norms of our society?

A. Goals of the Office of Human Development Services (HDS)

The four Program Administrations within the Office of Human Development Services (HDS), although different from one another in the specific populations they serve, share a common mission: to reduce dependency and increase self-sufficiency among our most vulnerable citizens. Emphasis on this mission, and progress toward it, will help more Americans live independent lives, and in the end it will reduce demand for services.

Public resources are no longer being expended at a rapid pace without considerable forethought. We have left an era when the trend was to assign to the Federal government an ever-increasing responsibility for identifying the needs for social services and for designing programs to meet those needs. Public policy now articulates that decisions are best made at the level of

government closest to the target populations served—by elected State and local officials, by those who manage at the State and local levels, including government officials, private organizations, voluntary organizations, schools or religious organizations.

Therefore, specific HDS goals have been adopted which reflect the policy that social service needs are more effectively and efficiently defined and addressed at the State and local community level—all to the end that families and individuals are helped to achieve self-sufficiency and independence. These goals are:

- To increase family and individual self-sufficiency and independence through social and economic development strategies;
- To target Federal assistance to those most in need; and,
- To improve the effectiveness and efficiency of State, local and tribally-administered human services.

In order to be considered for funding under the Coordinated Discretionary Funds Program (CDP), each applicant must describe activities that are in harmony with the goals of HDS.

B. The HDS Program Administrations

1. Administration on Aging

The Administration on Aging (AoA) was established in 1965 by the Older Americans Act (Pub. L. 89-73). AoA is mandated to serve as the focal point and advocate for the elderly, within the Department of Health and Human Services and with other Federal departments and agencies, and to provide guidance and assistance to States and communities in the development and implementation of comprehensive and coordinated service systems for older persons.

AoA has established the following long-range objectives which are reflected in the announcement:

- Stimulating systems change to enhance family and community-based care;
- Promoting the adoption of healthy lifestyles among the elderly;
- Providing services to the elderly in greatest need;
- Promoting preparation for an aging society; and
- Assisting State and Area Agencies on Aging and Tribal organizations in carrying out their leadership roles in planning, coordinating and assuring the availability of services for the elderly.

Title IV of the Older Americans Act is the major research, demonstration, training and development effort of the Administration on Aging. Title IV authorizes a program of discretionary grants and contracts to support training and education, research and demonstration, and other activities.

A primary purpose of these activities is to assist AoA and the State and Area Agencies on Aging to carry out the goals and objectives set forth in the Act. This is accomplished by AoA, together with State and Area Agencies on Aging, nonprofit, voluntary and philanthropic organizations and local communities, through analyzing trends and anticipating social issues that will become paramount in the future; improving the effectiveness and efficiency of services to the elderly by developing new techniques and approaches to deal with social issues; and by developing alternatives to traditional social service approaches.

AoA expects the discretionary projects which it supports to demonstrate the critical leadership roles that State and Area Agencies on Aging can play—as catalysts, brokers, coordinators—in developing systems of family and community-based care for older persons throughout the United States. AoA discretionary funds are not intended to provide for ongoing social services (including case management services), the construction and renovation of buildings, or to supplement funds for local activities which need operating subsidies.

AoA encourages applicants to include an emphasis on addressing the special needs of minority elderly by including minority concerns as part of the larger problem to be addressed by the application. Applicants must be able to show how minority needs will be met as part of a comprehensive delivery system and how community resources will be mobilized. Projects are expected to involve a high degree of collaboration among State, area and local agencies as appropriate; and agencies representing minority concerns. Roles and responsibilities in the project must be delineated, and this delineation should be supported with letters of commitment for collaboration.

2. Administration for Children, Youth and Families

The Administration for Children, Youth and Families (ACYF) serves as the focal point within the Federal government for programs, activities and concerns designed to improve the quality of life for children, youth and families. It administers the following programs:

- Head Start provides comprehensive services primarily to low-income preschool children, age three to the age of school attendance, and their families. In order to aid enrolled children to obtain their full potential, Head Start programs provide comprehensive educational, health, nutrition, social and other services.
- Child Welfare Services assist State public welfare agencies to improve their child welfare services with the goal of keeping families together. State services include preventive intervention so that, if possible, children will not have to be removed from their homes; services to develop alternative placements such as Foster Care or Adoption if children cannot remain at home; and reunification services so that children can return home if at all possible.
- Foster Care provides funds to States to assist with the cost of foster care for eligible children, administrative costs to manage the programs and training for staff. The purpose of the program is to help States provide care for children who, because they are abused or neglected or are otherwise at-risk, need placement outside their homes in a foster family home or in a child care institution. The adoption assistance program provides funds to States to facilitate the placement of foster care children with special needs in adoptive homes and, therefore, to prevent long, inappropriate stays in foster care. Funds are used for the provision of subsidies to cover the extra maintenance costs (basic living expenses) that are associated with the adoption of a special needs child, based upon the individual child's needs; for the administrative costs of managing the program; and for the training of staff.
- Child Welfare Training discretionary grants are awarded to public and private nonprofit institutions of higher learning to develop and improve educational and training programs as well as resources for child welfare service providers by upgrading their skills and qualifications.
- Adoption Opportunities eliminates barriers to adoption and helps to find permanent homes for children who would benefit by adoption, particularly children with special needs. The three major program areas are: (1) The development and implementation of a national adoption and foster care data gathering and analysis system; (2) the development and implementation of a national adoption information exchange system; and (3) the development and implementation of an adoption training and technical assistance system.
- Child Abuse and Neglect programs, through State grants and research and evaluation grants, assist State, local, and volunteer agencies and organizations to strengthen their capacities to prevent, identify and treat

child abuse and neglect. Under the State grant program, grants are made directly to States meeting the legislative eligibility requirements to improve prevention and treatment services. The discretionary grant program provides support for research, demonstration, service improvement, information dissemination and technical assistance activities designed to improve and increase national, State, community and family efforts for the prevention, identification and treatment of child abuse and neglect.

- State Challenge Grants are provided to encourage States to establish and maintain trust funds, or other funding mechanisms, to support child abuse and neglect prevention activities.
- The Runaway and Homeless Youth program addresses the crisis needs of runaway and homeless youth and their families through the establishment or strengthening of community-based programs providing temporary shelter, counseling, and aftercare services. Additionally, this program provides support to networking grants designed to share information, expertise, and resources among service providers; and to a toll-free, 24-hour National Runaway Switchboard which serves as a neutral channel of communication between young people and their families as well as a source of referral to needed services.
- Dependent Care provides grants to States for the planning, development, establishment, expansion, or improvement of (1) State and local dependent care resource and referral systems; and (2) school-age child care services before and after school hours.

3. Administration on Developmental Disabilities

The overall purpose of the Administration on Developmental Disabilities (ADD), as specified by the Developmental Disabilities Assistance and Bill of Rights Act of 1987 (Pub. L. 100–146), is to provide assistance to States and public and private nonprofit agencies and organizations to ensure that all persons with developmental disabilities can receive the services and other assistance and opportunities necessary to enable such persons to achieve their maximum potential through increased independence and productivity and integration in the community. ADD also seeks to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential as well as ensuring the protection of their legal and human rights.

The specific purposes of the program are:

- To assist States in the development of a comprehensive system and a coordinated array of services and other assistance for persons with developmental disabilities through the conduct of, and appropriate planning and coordination of, administrative activities, Federal priority activities, and a State priority activity.
- To make grants and contracts to States and public and private, nonprofit agencies for Projects of National Significance relating to persons with developmental disabilities, including projects to educate policymakers, develop an ongoing data collection system, determine the feasibility and desirability of developing a nationwide information and referral system, pursue Federal interagency initiatives, and other projects of expanding or otherwise improving opportunities for persons with developmental disabilities.
- To make grants to university affiliated programs to assist in the provision of interdisciplinary training, the demonstration of exemplary services and technical assistance, and the dissemination of information which will increase and support the independence, productivity and integration into the community of persons with developmental disabilities.
- To make grants to support a system in each State to protect the legal and human rights of all persons with developmental disabilities.

This information is provided as background information for individuals and organizations interested in commenting on the ADD priorities in Section C which follows. No applications should be submitted in response to these priorities.

4. Administration for Native Americans

The mission of the Administration for Native Americans (ANA) is to promote the goal of social and economic self-sufficiency for American Indians, Native Hawaiians and Alaska Natives. ANA defines self-sufficiency as the level of development at which a Native American community can control and internally generate resources to provide for the needs of its members and meet its own short and long range social and economic goals.

Social and economic underdevelopment is the paramount obstacle to the self-sufficiency of Native American communities and families. Underdevelopment contributes to high unemployment and school dropout rates, poor health and other problems which affect Native Americans to a greater degree than almost any other population group. Underdevelopment, and the resulting lack of a strong diversified economic base, has made Native American communities especially dependent on Federally-designed, Federally-funded and Federally-operated programs.

Native American programs and policies foster a balanced developmental approach at the community level through three major goals: (1) Governance: to strengthen Tribal governments, Native American institutions and local leadership, to assure local control over all resources; (2) economic development: to foster the development of stable, diversified local economies in order to provide jobs and reduce dependency on welfare services; and (3) social development: to support local access to, and coordination of, services and programs which safeguard the health and well-being of Native Americans. These goals are based on the premise that the local Native American community has the primary responsibility for determining its own needs, for planning and implementing its own programs, and for building an economic base from its own natural, physical, and human resources.

C. Notice of Proposed FY 1988 Developmental Disabilities Priorities for Projects of National Significance and Request for Public Comments

On October 29, 1987, Congress enacted the Developmental Disabilities Assistance and Bill of Rights Act of 1987 (Pub. L. 100–146). A new provision of this Act in section 162(c) requires that the Office of Human Development Services (HDS) publish in the **Federal Register**, not later than January 1 of each year, proposed priorities for grants and contracts to carry out Projects of National Significance. The Act also requires a period of 60 days for public comment and suggestions. After analyzing and considering such comments, HDS must publish in the **Federal Register** the priorities for such grants and contracts.

We welcome specific comments and suggestions concerning the following priorities for Projects of National Significance. We are also interested in receiving suggestions on topics not covered in this announcement, but which are timely and relate to specific needs in the field of developmental disabilities.

The actual solicitation of applications will be published in the **Federal Register** at a later date. *No proposals, concept papers or other forms of application should be submitted at this time.* Any such submission will be discarded.

No acknowledgments will be made of the comments in response to this notice, but all comments will be considered in preparing the priorities for developmental disabilities activities to be included in the Fiscal Year 1988 HDS Projects of National Significance Program Announcement. A copy of the program announcement will be sent to all persons who comment on this Notice. We anticipate that the program announcement for Projects of National Significance will be published in the spring of 1988.

Comments should be addressed to: Commissioner, Administration on Developmental Disabilities, HHH Building, Room 351–D, 200 Independence Avenue SW., Washington, DC 20201.

Proposed FY 1988 Priority Areas for Projects of National Significance

I. Projects to Educate Policymakers

There is a need to provide information to policymakers on critical issues pertaining to developmental disabilities.

We propose:

A. To conduct a study to evaluate and identify policies which have proven successful in removing barriers for persons with developmental disabilities to access specialized and generic services at the State, county, and local levels;

B. To conduct a study to evaluate and identify existing planning and policy practices which have lead to the effective combination of services provided by the DD and Aging networks for elderly persons with developmental disabilities; and

C. To conduct a study to identify policies which enable disabled individuals to work more productively in integrated settings in the community.

The results from the above proposed studies would be used to provide training and technical assistance to policymakers at the State, county, and local levels to enhance the ability of persons with developmental disabilities to obtain and maintain full integration within their communities.

II. Projects To Develop an Ongoing Data Collection System

There is a need for an ongoing data collection system that will meet ADD's legislative reporting requirements and document progress made to improve the independence, productivity and integration into the community of persons with developmental disabilities.

We propose:

A. To assess the extent, scope, and effectiveness of services provided and activities performed by all State agencies whose services impact on persons with developmental disabilities (including education, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, aging, children with special health care needs, housing, and comprehensive health and mental health);

B. To conduct a survey of a representative sample of consumers with developmental disabilities regarding their satisfaction with those services;

C. To assess eligibility criteria and the extent to which such criteria tend to exclude persons with developmental disabilities;

D. To assess need for changes in Federal and State policies which have a negative impact on the ability of persons with developmental disabilities to benefit from such programs; and

E. To assess approaches for the incorporation of data from this analysis in ongoing planning and policy analysis activities.

The ongoing data collection system should build on the several existing national data sets currently maintained on residential services, expenditures, vocational services, and program impact. The data generated by the system will be used by the State Planning Councils, Protection and Advocacy Program, University Affiliated Facilities, researchers and the Federal government to develop reports on the nation's ability to coordinate service delivery systems which meet the needs of persons with developmental disabilities.

III. Projects To Determine the Feasibility and Desirability of Developing a Nationwide Information and Referral System

Section 163 of the Act requires the Secretary to fund not more than three projects to determine the feasibility and desirability of developing a nationwide information and referral system for persons with developmental disabilities within six months after the date of enactment of the Act. ADD has, therefore, published a separate **Federal Register** announcement to solicit applications for these projects.

Grantees will make recommendations related to the feasibility and desirability of establishing information and referral systems at the national and regional levels for the purpose of effectively linking persons with developmental disabilities and their families to service providers.

IV. Other Projects of National Significance

In FY 1988, ADD proposes to conduct studies which focus on two or more of the following topical areas:

A. AIDS and its potential impact on children with developmental disabilities;

B. Training of professionals in the mental health and mental retardation fields related to serving persons with dual impairments (MR/MH);

C. Identification of best practices related to serving minority populations such as Blacks, Hispanics, Native Americans, Native Hawaiians, and Pacific Asians; and

D. Service needs and legal rights of criminal offenders with mental retardation.

D. Cross-Program Focus of the HDS Coordinated Discretionary Funds Program (CDP)

For the past seven years, the HDS Coordinated Discretionary Funds Program (CDP) has brought the major portion of the research and demonstration funding efforts of the four Program Administrations within HDS (AoA, ACYF, ADD, ANA) under one solicitation Announcement. Based on new legislative requirements, this year the Administration on Developmental Disabilities (ADD) is requesting only comments on its proposed priority areas.

Through the CDP, two or more Program Administrations within HDS in the past have addressed an important issue or need in which each has program and discretionary interest. For example: several social service needs or issues in the area of child welfare may be of program/discretionary interest not only to the Administration for Children, Youth and Families (ACYF), but also (Indian Child Welfare) to the Administration for Native Americans (ANA), and (children with developmental disabilities) to the Administration on Developmental Disabilities (ADD). More than a few such social service issues and needs fit into such a "Cross-Program" category. Other examples, where more than one Program Administration within HDS may generate research and demonstration discretionary activities, are: Elder Abuse (AoA, ANA, ACYF); Family Support/Caregiving (AoA, ANA, ACYF); Substance Abuse/Alcoholism (ACYF, ANA, AoA); Teen Pregnancy (ACYF, ANA); Intergenerational (ANA, ACYF, AoA); Data Systems (ACYF, ANA, AoA); etc.

The CDP allows HDS to expand the boundaries of human service knowledge

by drawing on and testing new ideas, and then incorporating these new ideas in a "cross-program" approach within HDS. In this way, the CDP becomes an integral part of the policy making process within HDS, with the findings from its research and demonstration projects providing the basis for substantiating or modifying current policy and practice in addressing social service needs. The CDP allows HDS, together with nonprofit, voluntary and philanthropic organizations, and local communities, to analyze trends and anticipate social issues that will become paramount in the future; and to improve the effectiveness and efficiency of human services by developing innovative and alternate techniques and approaches to address social service needs.

Additionally, the CDP makes possible a coordinated use of information systems and related technologies in a more efficient and less costly grant making activity than would be possible if done independently by separate discretionary authorities.

In summary, the HDS Coordinated Discretionary Funds Program (CDP) is based on the principle that the well-being of a specific target population is the responsibility of individuals, families, and the communities in which the target populations live. The CDP is guided by the premise that human service needs are best defined, as well as more effectively and efficiently served, through institutions and organizations at the level closest to the individual—State, Tribal, and local governments, public agencies, businesses, private sector and voluntary organizations, religious institutions, communities, and families.

HDS is primarily interested in providing funds for projects offering immediate impact, or which can become self-sustaining in a short period of time. The CDP is not intended to provide funds for ongoing social services, or to serve as a supplemental source of funds for local activities which need operating subsidies.

E. Focus on Minority Populations Served by the HDS Coordinated Discretionary Funds Program

Because minority populations are frequently more vulnerable and at-risk regarding human service needs, the three Program Administrations (AoA, ACYF and ANA) of HDS, as well as special "Cross-program" initiatives (such as Youth 2000), have a significant interest in providing a focus on minority populations.

Organizations and institutions which especially serve at-risk minority populations are encouraged to apply and compete for funds available under the HDS Coordinated Discretionary Funds Program (CDP). HDS is interested in increasing the number and qualifications of applications received from such institutions and organizations. These organizations and institutions are also especially encouraged to participate in the Technical Assistance Workshops and the Dissemination Workshops discussed in Sections H and I of Part I in this announcement.

Organizations and institutions which especially serve minorities are encouraged to apply under all the priority areas—as they have done in the past. Additionally, such organizations and institutions, including Historically Black Colleges and Universities and Tribally Controlled Community Colleges, are encouraged to submit applications under those priority areas which singularly focus on their social service interests. The priority areas which singularly address the concerns of minority populations are priority areas 3.3, 4.3, 5.2, 6.4, 7.2, 8.1–8.3, 9.2D1, 9.2D2, 9.3A, 10.4, and 8.4.

F. Youth 2000 Initiative

Youth 2000 has been designated by the Secretary of the Department of Health and Human Services (HHS) as a special Departmental Initiative under his agenda for promoting the "Future of the Family." HDS has been delegated the responsibility for managing and coordinating this Initiative, among the various Operating Divisions within the Department.

Youth 2000 is a nationwide "call to action" between now and the year 2000 designed to enlist the involvement of all sectors of society in helping vulnerable and at-risk youth achieve social and economic self-sufficiency and fulfill their potential as viable, contributing members of society. The goals of Youth 2000 are: (1) To increase the employability and self-sufficiency of young people; (2) to improve their literacy and educational attainment; (3) to reduce the incidence of teenage pregnancy; (4) to promote lifestyles free from substance abuse; and (5) to reduce violent and accidental injuries and deaths among young people.

The need for the Youth 2000 campaign is clear and compelling: our Nation needs the productive energies of all of its young people to ensure its continued social and economic progress as we move into the 21st Century. While the majority of young people are adequately preparing to meet these challenges, 10–15 percent of the population aged 16 to 19 are at-risk of not making the transition from adolescence to a productive and responsible adulthood due to various, often interrelated, problems. For example:

- Nearly one million young people drop out of high school annually. Nationwide, approximately one out of every four ninth-graders will not graduate from high school and, in some urban areas, the dropout rate approaches 50 percent.
- One out of every eight 17 year-olds in this country is functionally illiterate.
- More than 573,000 babies are born to teenage mothers each year, and half of these young women will not complete high school. Moreover, teenage pregnancy is often associated with long-term poverty, health defects and other types of problems.
- An alarming number of young people use alcohol, and a high percentage are users of drugs such as marijuana and cocaine. A 1986 survey of high school seniors found that more than 65 percent of the youth surveyed were current users of alcohol; over 23 percent were current users of marijuana; and more than 6 percent were current users of cocaine.
- Automobile accidents, homicides and suicides, respectively, constitute the three leading causes of death among adolescents.

Despite these alarming statistics, anticipated demographic changes between now and the year 2000 offer a unique opportunity regarding employment. Between now and the year 2000, the number of young people will decrease dramatically while the number of new jobs will continue to grow. It is estimated that 16 million new jobs will be created over the next 13 years, but that only 14 million young people will be available to fill these positions.

Therefore, by the year 2000, a job will be available for every qualified young adult who wants one.

The key is, however, preparation. Young people must begin now to prepare and qualify themselves for these employment opportunities. Helping them to do so is a key element of the Department's Youth 2000 initiative. The jobs of the future will require higher skill levels than those of today. Over half of the jobs that will be created between now and the year 2000 will require education or training beyond high school, and almost one-third will be filled by college graduates.

The Youth 2000 Initiative is being jointly implemented by HHS and the Department of Labor (DOL). A variety of efforts have been undertaken by both Departments in support of Youth 2000, including a joint program of competitive grants to the States to assist them in

addressing the issue of youth self-sufficiency. As the lead agency within HHS charged with overall management responsibility for the Youth 2000 Initiative, HDS has also supported a number of efforts designed to promote broad based State and community involvement in Youth 2000-related activities.

Since FY 1986, for example, HDS has used the CDP and other funding vehicles to support efforts designed to promote the social and economic self-sufficiency of various populations of at-risk youth such as older adolescents in foster care, runaway and homeless youth, drop outs, pregnant teenagers, young people with developmental disabilities, and Native American youth. In 1987 alone, through the CDP, HDS funded a total of 58 projects focused on youth-at-risk. Additionally, HDS has undertaken a series of activities designed to increase public awareness about youth issues, to provide assistance to public official's to address these problems, and to promote involvement in the Youth 2000 campaign at the grassroots level nationwide.

Other Operating Divisions within the Department are also significantly involved in Youth 2000. For example, the Public Health Service, which has the lead responsibility for the Youth 2000 objectives related to reducing the youth mortality rate due to intentional and unintentional injuries as well as youth substance abuse, is undertaking a wide variety of activities in support of Youth 2000.

These include the provision of financial support to projects focused on prevention/intervention as well as the conduct of public education and other informational efforts. Additionally, the Family Support Administration, the lead agency in HHS for the Youth 2000 objective related to reducing the incidence of teenage pregnancy, is undertaking a series of leadership activities in the area of adolescent pregnancy prevention. These efforts are designed to heighten public awareness about the issue and to assist States, communities and service providers in their efforts to address the problem.

The programs administered by ACYF, ADD and ANA address the issues encompassed by the Youth 2000 Initiative (e.g., substance abuse and youth self-sufficiency) as do the intergenerational projects supported by AoA. This "cross-program" interest is reflected in the priority areas included in this announcement which are supportive of the Initiative.

In addition to the Youth 2000-specific priority areas (1.1, 1.2 and 1.3), other priority areas in this CDP which are related to the Youth 2000 Initiative in a "cross-program" way include: 3.1, "Challenge Grants to Community Foundations: Mainstreaming Troubled Youth"; 3.2, "Challenge Grants to Foundations: Independent Living for Older Homeless Youth"; 3.4, "Develop An Urban Strategy for the Prevention of Youth Suicide"; 7.7, "Preparation for Independent Living in Foster Care Among Pre and Early Adolescent Youth"; 8.1, "Resolving Alcohol and Substance Abuse Within Native American Communities"; and 8.2, "Innovative Community Approaches to Entrepreneurial Activity With Native American Youth."

The reader should be alerted that, in addition to this announcement, Youth 2000-related grant solicitations will also be published by other Operating Divisions within the Department during FY 1988. For example, the Alcohol, Drug Abuse and Mental Health Administration of the Public Health Service (PHS) anticipates making FY 1988 awards under five grants programs that have relevance to the Youth 2000 initiative. Grants will be awarded in the following areas:

- Drug and Alcohol Abuse Prevention Research Grant Announcement. The focus is on (1) etiologic research to identify factors that might place individuals at-risk of drug and alcohol abuse and factors that mitigate such risk; and (2) clinical intervention research to develop and test strategies that will prevent the onset of drug and alcohol abuse.
- Cocaine Research to clarify (1) the nature and extent of cocaine use; (2) the impact of such use on individuals' performance and functioning; (3) neurobiological concomitants of cocaine use; and (4) effective methods of treating and preventing cocaine use.
- Research on Children of Alcoholics. Areas of special interest include research on biological markers; coping mechanisms of invulnerable children; family interaction and the influence of children on the drinking status of the alcoholic parent; and the relationship between excessive drinking and (1) sexual abuse and (2) violent behavior directed toward the children and spouse.
- Research Grants on Alcohol-Related Performance Effects and Traumatic Injury. One area of special interest is the conduct of controlled studies on the design, development and assessment of prevention and intervention programs which efficiently and effectively provide new techniques and strategies for reducing alcohol-related deaths and injuries for groups and individuals known to be at high risk.
- Community Prevention Research in Alcohol and Drug Abuse designed to encourage rigorous scientific study of substance abuse prevention techniques at multiple levels in the community (e.g., individual, small group, family, parent groups, and community boards) in order to determine their efficacy in preventing the onset of both alcohol and drug use and the patterns of abuse.

Grant programs administered by the Centers for Disease Control within the PHS dealing with injury prevention have not yet been scheduled, and are pending passage of the FY 1988 appropriation.

Additionally, the Family Support Administration will issue separate grant announcements for the following programs during FY 1988: the Office of Community Services, the Office of Family Assistance and the Office of Child Support Enforcement. These announcements will deal with at-risk youth and family-related issues based upon the purpose and legislative intent of each program.

G. Family Caregiving Initiative (Family Support Activities)

Family Caregiving has been designated by the Assistant Secretary for Human Development Services as a Special Initiative. Just as with Youth 2000, there is a "cross-program" interest among the Program Administrations within HDS.

The Family Caregiving Initiative is a pledge among public agencies, voluntary organizations and organizations representing the interests of our client populations to share information and provide better training for professionals, paraprofessionals, volunteers and the caregiving families with whom they are working. The Family Caregiving Initiative is also an effort to mobilize communities so that family support resources will be developed and coordinated where they are not currently available.

The need for The Family Caregiving Initiative is growing. Family members provide loved ones who have temporary or chronic illnesses or impairments with care that prevents unnecessary hospitalization or institutionalization. The growing need for care includes:

- Approximately five million older Americans living in their communities who need assistance to perform one or more personal care activities. By 2030, there will be about 65 million older people—and with advanced age comes increased risk of illness and impairment.
- Ninety percent of the nearly four million individuals with developmental disabilities live at home with their families; and the number of infants with

developmental disabilities is increasing as a result of the use of drugs and alcohol by pregnant teenagers.

• Many more of the estimated 29 million Americans that suffer from mental illness are remaining in their own homes and communities.

Despite the growing need, the availability of caregivers is decreasing because women, the traditional caregivers, are now working outside the home.

The key to meeting caregiving needs is a new level of awareness and a shifting of service priorities so that the caregiving family is supported as a unit, rather than providing the client with one set of services and the caregiver with another. Caregiving families need to understand that physical and emotional stress is common, and that resources are available and should be used.

Professionals, paraprofessionals and volunteers need to be educated to work with the family as a unit and to train family members in how to access services and provide needed care. Communities need to disseminate information about the needs of caregiving families and the resources that are available within their respective communities.

In addition to the crosscutting priority area in this announcement: 10.1, "Training Caregiving Families and Providing Practical Support," other family support priority areas include: 7.10, "Utilizing Family-Based Prevention Approaches for Reunification and Replicating Specialized Foster Care Programs," and 9.1A, "Field Initiated Research on Community Based Systems of Care."

More than 60 projects have been funded throughout the Department of Health and Human Services to address the needs of caregiving families. For more information about these projects, refer to the description under priority area 10.1.

G. Technical Assistance Workshops for Prospective CDP Applicants

HDS has tentative plans to conduct CDP workshops to provide guidance and technical assistance to prospective applicants, pending the availability of funds. *For information on the exact time and location of each workshop, you may call the contact persons listed below under each city or (202) 755–4633.* The proposed schedule for the three-hour workshops is as follows:

Albuquerque, New Mexico:
Contact Person: Ed Henderson
Telephone Number: (214) 767–4540
Atlanta, Georgia:
Contact Person: Sherrill Ritter, Jr.
Telephone Number: (404) 331–2287
Boston, Massachusetts:
Contact Person: John Thomas
Telephone Number: (617) 565–1101
Chicago, Illinois:
Contact Person: Robert Moman
Telephone Number: (312) 353–8322
Dallas, Texas:
Contact Person: Ed Henderson
Telephone Number: (214) 767–4540
Denver, Colorado:
Contact Person: Harry Frommer
Telephone Number: (303) 844–2622
Kansas City, Missouri:
Contact Person: Linda Carson
Telephone Number: (816) 374–3981
Los Angeles, California:
Contact Person: Richard Silva
Telephone Number: (415) 556–7800
Miami, Florida:
Contact Person: Sherrill Ritter, Jr.
Telephone Number: (404) 331–2287
New York, New York:
Contact Person: Junius Scott
Telephone Number: (212) 264–3472
Phoenix, Arizona:
Contact Person: Richard Silva
Telephone Number: (415) 556–7800
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Washington, DC, Tuesday, February 2, 1:00–4:00 p.m. HHS North Auditorium, 330 Independence Avenue, SW.
Contact Person: Richard Jakopic
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I. Dissemination Workshops on CDP Projects

HDS annually sponsors Dissemination Conferences in Washington, D.C. and around the country to showcase the findings and products of funded projects in specific topical areas. In order to be placed on a mailing list for information about these Conferences, send a name and mailing address to Richard Jakopic, Division of Research and Demonstration/OPPL, Room 721B, Office of Human Development Services/HHS, 200 Independence Avenue, SW., Washington, DC 20201.

J. Continued Emphasis on Joint Funding With Other Federal Agencies

In order to avoid duplication and in order to maximize resources, HDS has joined with other Federal agencies in planning and coordinating efforts to deal with issues of national concern. During the past two years, several interagency agreements were established between HDS and other Federal agencies. Examples are as follows:

• In FY 1986, several interagency agreements between HDS and the Employment and Training Administration (ETA) within the Department of Labor (DOL) led to the solicitation of applications in the FYs 1986 and 1987 CDP announcements addressing youth issues of national concern. Subsequently, during FY 1987, the Secretary of each Department signed a Memorandum of Agreement between HHS and DOL related to cooperative activities in the Youth 2000 Initiative.

• HDS and the National Institute of Corrections plan to continue the effort begun in FY 1987 to strengthen families through demonstrations of parenting programs for incarcerated parents.

• HHS and the Department of Defense (DOD) have an Interagency Agreement designed to improve services to military families without the need for new Federal funds, reduce duplication of efforts, and increase the cooperation between HHS and DOD family support services.

• HDS and the National Institute of Mental Health plan to continue the effort begun in FY 1987 to strengthen linkages between the mental health service system and the child welfare system.

K. Statutory Authorities

The individual statutory authorities under which grants and cooperative agreements will be awarded through the HDS Coordinated Discretionary Funds Program are as follows:

• Head Start: Head Start Act, Subchapter B of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9831 et seq.);

• Child Welfare Services: Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C. 626); section 426 of the Social Security Act, as amended;

• Runaway Youth Program: Runaway and Homeless Youth Act, as amended (42 U.S.C. 5701 et seq.);

• Child Abuse: Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.);

• Adoption Opportunities: Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, as amended (42 U.S.C. 5111 et seq.);

• Native Americans: Native American Programs Act of 1974, as amended (42 U.S.C. 2991 et seq.);

• Older Americans: Training, Research and Discretionary Projects and Programs: Title IV of the Older Americans Act, as amended (42 U.S.C. 3001 et seq.);

• Social Services Research and Demonstrations: Section 1110 of the Social Security Act, as amended (42 U.S.C. 1310); and

• Family Violence Prevention and Services: Family Violence Prevention and Services Act (42 U.S.C 10401).

Part II—Priority Areas

Preceding the actual descriptions of each Priority Area for which applications are solicited through the announcement, two indexes are presented below for easy reference by potential applicants.

Index One is a reference of Priority Areas by an alphabetical listing of Key Words or Topics.

Index Two is a reference of Priority Areas by the HDS Programs or program Administrations.

Index One: Priority Areas Listed by Key Word

Index Two: Priority Areas Listed by Program

9.2E Executive Leadership Institute on Aging

Health Promotion

9.3A Prevention and Treatment of Alcoholism Among Older Indians
9.3B Education for Self-Care
9.3C Prevention of Fires and Smoke Related Injuries and Death

National Resource Centers

9.4A Long Term Care National Resource Centers
9.4B Health Promotion and Wellness National Resource Center
9.4C Elder Abuse National Resource Center
9.4D Long Term Care Ombudsman National Resource Center
9.4E Special Aging Populations National Resource Center

Systems Development

Legal Assistance for Older Persons

9.5A1 National Legal Assistance Support System Projects
9.5A2 State/Community-Level Demonstration Projects
9.5B State Agency on Aging Leadership Roles for Elderly Housing
9.5C Quality Assurance

Unique Cross-Program Priority Areas

10.1 Training Caregiving Families and Providing Practical Support
10.2 Training and Technical Assistance for Family Violence Prevention and Treatment Programs
10.3 Transfer of International Innovations
10.4 Increasing Minority Organizations' Participation in HDS Programs
10.5 Human Services Management Improvement through Information Technology, Data Application, and Evaluation

Youth 2000

An overview of the Youth 2000 initiative and its objectives is included in Part I of this announcement.

1.1 Support for the Development of City, County or Other Local Public/Private Sector Youth 2000 Partnerships

Increased efforts are needed at the city, county or other local levels to focus broad attention on, and to create awareness about, the issues that threaten to prevent a sizeable proportion of young people from successfully making the transition from adolescence into productive adulthood. Among others, these include the problems of illiteracy, dropping out of school, pregnancy, substance abuse, and accidents and violent behavior. Beyond awareness, sustained, collaborative action at these levels is also needed to identify, develop and implement strategies for addressing these youth problems based upon local perceptions of priorities and conditions.

The problems experienced by today's youth are complex and interrelated, cut across agency and institutional settings and impact upon all sectors of society. Broad based partnerships which draw upon the resources, expertise, energies, commitment and ideas of many different groups and individuals, therefore, are needed to begin to undertake concerted efforts at the community level to improve conditions for young people, particularly those who are especially at risk.

Grants under this priority area will be awarded for the development of broadly based public/private sector Youth 2000 partnerships or coalitions at the city, county or other local levels which will spearhead the conduct of community-based public education/awareness campaigns as well as the development and implementation of action plans designed to address local youth problems. Each partnership project will be expected to generate the financial, programmatic, political and other types of support and commitments that will be required for its continued operation beyond the period of Federal support and for the conduct of long-term efforts designed to improve the status of and conditions for youth who are at-risk of not successfully making the transition into adulthood.

The partnerships envisioned under this priority area are broad based confederations of public and private sector organizations and individuals within the locality which join together to pool their expertise and resources to improve conditions for youth, particularly at-risk youth. Such partnerships might be focused upon a specific youth problem or might choose to more broadly address a range of youth issues within the community. Depending upon the types of youth concerns to be addressed, membership in these partnerships or coalitions would vary, and would involve appropriate representatives of both the public and private sector entities—e.g., local education agencies, agencies of local government, businesses or corporations, voluntary organizations, foundations, religious organizations—as well as individuals that pledge to commit time, financial support, expertise, or other resources in support of the local Youth 2000 campaign. Similarly, the types of pledges that would be made by these members would also vary, depending upon the specific youth issues and problems that would be addressed by the local partnership.

The following examples of membership pledges that might be made to a local Youth 2000 campaign are illustrative only, and are provided solely to give an indication of the nature and scope of the commitments that would be expected of the members of the partnership projects to be supported under this priority area. None of these examples, by itself, constitutes a partnership. Rather, the individual pledges that are made by each member (or jointly by two or more members) must, collectively, constitute a multi-faceted approach to addressing the youth issue or set of problems which are the focus of the local Youth 2000 campaign.

As a member of a community partnership, for example, a local advertising firm might pledge to undertake a campaign designed to increase public awareness about the problems to be addressed by the local Youth 2000 campaign, the need to focus upon these youth issues and the partnership effort that has been established within the community to undertake efforts directed at these concerns.

Similarly, a business or corporation might pledge to adopt a junior or senior high school and provide orientation to students on the world of work and to the skills that will be required for various types of jobs in the future. It might also agree to employ a specific number of students on a full or part-time basis and/or provide release time to employees to serve as mentors or tutors to the students of the adopted school.

As their contribution to a community partnership, public and/or private sector agencies might pledge to provide young people with opportunities for leadership development and civic participation.

As other examples, a youth organization or program might pledge to expand its membership to include hard-to-reach youth populations who would benefit from such participation but who are currently underserved by the organization or program; and a local newspaper or a radio or television station might pledge to provide coverage on youth problems within the community and on the efforts that are being conducted by the partnership, including its various members, to address these problems.

Applications for partnership grants under this priority area must be submitted by an agency or organization, or by a consortium of two or more such agencies or organizations, with a demonstrated capacity to carry out the proposed effort and which, at least during the initial stages of the local Youth 2000 campaign, would serve as the nucleus of or the steering committee for the establishment, promotion and maintenance of the community partnership. Letters of intent or interest from public and private sector entities or

individuals regarding potential membership in the partnership, including the types of commitments they might make to the local Youth 2000 campaign, must be included as evidence of broad support for the undertaking of such an effort and for its continuation following the period of Federal support.

An overview of youth problems in the city, county or community, supported by local data, must also be presented in the proposal, including the problem areas that the partnership would address as well as the initial activities and events that would be undertaken to address these problems, with appropriate rationale. Additionally, proposals must, at a minimum, address the following: how overall guidance and direction would be provided to the partnership relative both to its establishment and ongoing maintenance; how members would be recruited and the phasing, if any, of special recruitment drives to be conducted; the types of consultation that would be available to organizations or individuals interested in becoming members but requiring assistance regarding how they might most effectively participate; how members would be kept informed about the partnership's plans and activities; and the efforts that would be undertaken to provide for the continued operation of the partnership and its activities beyond the period of Federal support.

Federal funding for partnership grants under this priority area is limited to a maximum of $75,000 per project for a period not to exceed 17 months.

1.2. Involvement of Young People in Community-Based Efforts To Address Youth Needs and Problems

The vast majority of young people feel that they have access to meaningful social roles within their families, schools and communities which give them a sense of competence, make them feel that they are valued members of society and enable them to look forward to productive, responsible and rewarding adulthood. As such, most youth do not experience the severe alienation and frustration which can result in problems such as violence, dropping out of school, extensive substance abuse and other forms of acting out behavior. Other young people, lacking the sense that they have a stake in society and control over the direction of their futures, experience rejection and defeat and engage in counter-productive behavior because they feel that they have little to lose, either in the present or in the future, by doing so.

Many communities are already engaged in activities designed to provide young people with meaningful roles within the institutions which affect their lives and provide them with opportunities to identify, problem solve and take action around the issues which confront them and their peers. In many instances, however, the youth who are the hardest to reach are not involved in these efforts. Additional efforts, therefore, are needed which allow young people, particularly those who are at-risk of not making a successful transition into adulthood, to actively engage in such activities. Such efforts are important not only because they enable young people to develop skills, but also because they increase confidence and self-esteem and promote the feeling that young people have control over their present and future lives. Additionally, young people directly experience or observe the causes and consequences of youth problems such as substance abuse, dropping out of school and teenage pregnancy. As such, they have a unique perspective to offer in planning and implementing community efforts designed to address these problems.

The purpose of this priority area is to promote and stimulate the development or expansion of community-based efforts designed to involve youth as active, legitimate partners in efforts designed to focus upon local youth issues; to identify solutions to these problems; and to implement strategies, actions, programs and/or policies to address these concerns.

The youth issues to be addressed by these community-based efforts must relate to one or more of the concerns encompassed by the Youth 2000 initiative: preparation for social and economic self-sufficiency; and reductions in illiteracy, school drop out rates, substance abuse, intentional and unintentional injuries and death (automobile accidents, homicides and suicides) and teenage pregnancy. Depending upon local priorities and other considerations, applicants may propose to focus upon youth problems within one institutional setting impacting upon youth, such as a school or a local school system, or may be more broadly based and propose to focus on youth problems which cut across institutional settings.

Applications under this priority area must be submitted by a public or private agency or organization appropriate to the youth issue or issues to be addressed and which has the capacity to implement the programmatic and/or policy changes which might result from the planning efforts that are conducted. As appropriate, applicants may include Indian Tribal Organizations and other minority agencies. For example, a local school or school district might propose to undertake efforts to improve literacy rates, reduce high school drop out rates and/or enable pregnant or parenting teenagers to remain in or to return to school. In addition to youth who are themselves at-risk of or who have experienced these problems, other participants might include parents, members of the business community and others. Similarly, a broad based committee, composed of young people as well as adults, could be established by a private, nonprofit, youth-serving agency to address substance abuse or other pressing youth needs in the community. Letters of support relative to their participation in the planning for and implementation of strategies to deal with the problems to be addressed must be included from those agencies and organizations (e.g., local governmental agencies, members of the business community, private sector agencies) whose involvement would be pivotal to the proposed undertaking.

In order to avoid negative labelling of the youth participants, applicants must describe how a broad based mix of young people would be involved in the planning and action processes, including the recruitment efforts that would be conducted to secure the participation of both at-risk and not-at-risk youth in such an effort.

Applicants must also describe the key tasks that would be undertaken in implementing the project as well as how the youth members would be involved, including the training and/or other types of assistance that would be provided to enable them to actively participate in the process. Applicants must also provide an assurance that, if funded, the project's final report would include sufficient documentation and information on the implementation of the project, including problems and how they were overcome, so that the report would be useful to other communities interested in undertaking similar efforts. Finally, applicants must describe how the project supported by the grant would be continued following the period of Federal support.

Federal funding for projects under this priority area is limited to a maximum of $75,000 per project for a period not to exceed 17 months.

1.3 Support for the Planning, Development and Implementation of Community-Based Efforts to Reduce Teenage Pregnancy

Over one million teenage girls become pregnant each year and, in 1986, approximately 480,000 adolescents became mothers. The costs associated

with teenage pregnancy, both to the individuals themselves and to society, are enormous. Half of the teenagers who give birth do not complete high school, and the magnitude of the dropout rate increases the younger the age of the mother at her first birth. A 1983 survey conducted by the Charles Stewart Mott Foundation found that 71 percent of the mothers who had their first child at age 14 or younger dropped out of school, as did 50 percent of the mothers aged 15–17 and 33 percent of the mothers aged 18–19. The high school dropout rate among teenage fathers, similarly, is high: These young men are 40 percent more likely to drop out of school than are their peers.

The health costs associated with teenage pregnancy are also high. Twenty percent of all premature infants are born to teenagers. Due to various factors, including poor prenatal care, the infants of teenage mothers are more likely to have lower birthrates as well as other medical problems and deficits than do the children born to mothers who are over the age of 20.

In 1986, nearly $18 billion was expended in Aid to Families with Dependent Children (AFDC) benefits, Medicaid and food stamps for families formed as a result of a teenage birth. The average cost to the taxpayer for a teenager on public welfare is estimated to be $37,500 by the time her child is age 20. These costs would be considerably reduced, by about one-third, if these mothers had waited until age 20 to have their first child.

Many factors contribute to the problem of teenage pregnancy. These include poor self-image and low self-esteem; the absence of orientation toward future goals; limited (often negative) prospects regarding the future; poor decision-making skills; immaturity; and limited information about human sexuality. Lacking a sense of purpose and having limited expectations both educationally and occupationally leads many young people, both male and female, to feel that they have little to lose—either in the present or future—by having a child or by dropping out of school.

The purpose of this priority area is to provide support for the development and implementation of comprehensive, community-based efforts designed to reduce the incidence of teenage pregnancy. The efforts proposed must be broad based—involving, for example, schools, the business community, churches and synagogues, youth-serving organizations, local governmental officials, the media, health care providers, parents, youth themselves and others—and must be directed toward planning, developing and implementing community-specific strategies and activities which will retarget existing community resources and impact upon the problem of teenage pregnancy.

The activities to be implemented as part of the proposed project should provide opportunities for young people, both male and female, to obtain the information and experiences they require to make informed decisions about their lives, including not becoming a teenage parent and staying in school; to view themselves and their futures more positively; and to increase their sense of purpose and their appreciation of the range of options that are available to them. Elements of such projects might include mentoring, tutorials, life skills training and innovative approaches to working with at-risk youth.

The efforts that are supported under this priority area may focus upon a specific neighborhood with a high incidence of teenage pregnancy or may be community-wide. Data on the incidence and extent of teenage pregnancy and related problems (e.g., school dropout and youth unemployment rates) in the area to be impacted as well as a brief description of existing programs or activities within the community which focus on the problem must be included in the application.

Letters of commitment from at least three organizations that would participate in the planning and implementation of the proposed project must be included as part of the application. Additionally, the application must contain assurances that those agencies and organizations that would be involved in implementing the activities in the plan would participate in the planning phase. The identification and commitment of resources to support the implementation of the planned programs and activities must be addressed as one task of the planning phase of the project.

Eligible applicants are community agencies or local organizations which are affiliated with national organizations. This restriction is designed to increase the likelihood of the replication of the efforts supported under this priority area in additional communities across the country in future years without additional HDS resources.

Federal funding for projects under this priority area is limited to a maximum of $50,000 per project for a period not to exceed 12 months.

Administration for Children, Youth and Families

Head Start

2.1 Head Start Cultural Enrichment Modules

Over the past several years, the Head Start Bureau in conjunction with the early childhood field has developed and widely disseminated four curriculum models as part of its strategy for Spanish-speaking children. These curricula, as well as others, can be enriched or modified to serve the children and their families of the diverse cultures represented in the Head Start program.

In order to augment the previously developed curricula and in response to requests from Head Start programs for enrichment materials across a wide variety of cultures, HDS seeks applications which address the needs of a wide variety of families of diverse cultures and backgrounds enrolled in Head Start. These families include all minorities traditionally served by Head Start as well as new immigrants to this country such as Asians, smaller groups of refugees, and culturally different groups which have been in this country for some time but whose uniqueness is not yet adequately reflected in Head Start's educational program.

The goal is to develop printed and/or audio visual materials for the Head Start staff to enhance cross-cultural understanding among staff and families in Head Start. This will augment the on-going curriculum by providing pertinent information about the backgrounds, cultures, beliefs and behaviors of children and families from cultures represented in Head Start programs.

Because language and culture are so interrelated, it is expected that grantees under this priority area will develop modules which will foster the use of English as a second language and will address one or more of the following topics: cultural mores, food preferences, child rearing practices, health and mental health attitudes, rules of expected conduct in that culture and the roles of parents and elders within the family unit and wider circle of friends.

Grantees under this priority must involve members of the particular cultural group in the development of the modules. Therefore applications should include a description of the population for whom the materials are being developed as well as a description of their role in the development of the materials. In order to ensure that the materials reflect a cultural consensus, a minimum of 20 families of the targeted

cultural group must participate in the development. This group may consist of presently enrolled Head Start families or a mix of Head Start families and other families drawn from the larger community. Applicants must also provide a plan for securing at least 50 Head Start families or families from other child care programs and 50 families from at least one other cultural group or a mix of other cultural groups for the second year. These families will be in the pool used to field test the materials, to provide adequate critique of the materials and approaches, and to assess their ability to enhance the understanding and appreciation of that culture by other cultural groups.

As a requirement of the grant, applicants must propose a process by which the newly developed Head Start cultural enrichment modules could be incorporated by other grantees into the curriculum they are using.

Grantees funded under this priority area will be required to cooperate with a third party evaluator to be identified and paid for by ACYF.

Based on a careful review of the outcomes of the various grants funded under this priority area, HDS will determine which specific products and approaches will be reproduced and disseminated to Head Start programs nationwide. These materials will be disseminated to other Head Start programs which need more information and tools with which to work with various cultural groups. Dissemination will take place through a network of ten Head Start Resource Centers and a Multicultural Resource Support System established in 1986, consisting of 25 Head Start grantees.

HDS intends to fund projects of 24 months duration with the Federal share not to exceed $40,000 per project per year. The budget should include the expenses for one individual to participate in an annual meeting each year in Washington, DC of all successful applicants under this priority area. Eligible applicants are Head Start grantees and delegate agencies.

2.2 CDA Training-Instream Migrants/ Geographically Isolated Programs

The number of infants, toddlers and 4 and 5-year old children in group programs has multiplied dramatically in recent years in public school kindergartens, pre-kindergartens, Head Start programs, day care, and many other privately and publicly-funded settings. Families place great trust in the staff of these programs, and it is the daily performance of the teacher or caregiver that determines the quality of the children's preschool experiences. The Child Development Associate (CDA) competency standards and assessment system have been developed to support quality programs for preschool children by providing standards for training, evaluation and recognition of teachers and caregivers based on their ability to meet the unique needs of this age group.

Although formal training is not a requirement for the CDA assessment, the majority of candidates enroll in child development courses to increase their knowledge and understanding and, in part, to prepare for CDA assessment.

Initiated in 1971, the CDA National Credentialing program is a major national effort to evaluate and improve the skills of caregivers in center-based, family day care, and home visitor programs. A Child Development Associate is a person who has demonstrated competence in caring for young children during an assessment conducted by the CDA National Credentialing Program. Competent caregivers are awarded the Child Development Associate credential. An optional bilingual specialization is available to candidates working in bilingual (Spanish/English) programs. Nearly 20,000 child care providers have earned the CDA credential since 1975, and more than half of the States have incorporated the credential in child care licensing requirements.

However, the majority of those credentialed to date have been individuals located in geographic areas where access to the community college system is relatively easy.

Therefore, HDS wants to stimulate two-year community colleges to develop ways to deliver training based on the CDA competencies to child care providers who are located in hard-to-reach areas and to prepare up to twenty candidates for the successful completion of the assessment process and award of the credential by the CDA national body. Such individuals may be hard-to-reach because they are located in remote rural areas, working with instream migrants or are isolated due to geography, such as the Atlantic and Pacific Island areas, Indian Reservations and Alaskan Villages.

Applicants will be expected to initiate new or adapt their current curriculum for center-based caregivers of infants and toddlers (0–3 years) and/or of preschool age children (3–5 years); and/ or family day care providers; and/or home visitors to meet specific requirements for CDA assessments in these settings.

It is expected that candidates will be awarded appropriate college credit for work successfully completed. In developing delivery systems for hard-to-reach locations, it is anticipated that applicants will propose the use of a variety of technologies. Among them, for example, might be the use of telecommunication and/or video instruction in conjunction with itinerant instructors and periodic cluster sessions for participating candidates. Experience has shown that some CDA candidates may need considerable tutoring relative to basic academic skills.

The outreach and recruitment endeavors of applicants under this priority area should include soliciting the participation of Head Start parents who have shown interest in entry level positions in child care programs, including family day care providers; as well as current Head Start educational staff who do not have a CDA credential.

Applicants must include documentation which confirms that the individuals to be served are, in fact, in hard-to-reach locations, or isolated by other factors and have no other means of participating in CDA training.

Information about the CDA requirements is available from the Council for Early Childhood Professional Recognition, 1718 Connecticut Avenue, NW., Suite Fifth Floor, Washington, DC 20009. The toll-free telephone number is 800–424–4310.

Applicants should describe proposed efforts to disseminate findings at local and State levels and participate in two meetings in Washington, DC of all successful applicants under this priority area.

Eligibility under this priority area is restricted to two-year community colleges.

HDS anticipates funding 17-month projects having a Federal share not to exceed $80,000 per project. The budget should include the expenses for one individual to participate in two meetings in Washington, DC and the cost of CDA application, assessment and credential award for a minimum of 15 successful candidates.

2.3 Head Start Curriculum Models for National Dissemination

Head Start programs are required to develop a written education plan which includes a developmentally appropriate curriculum. It is the responsibility of staff and parents to determine which curriculum best meets the needs of the children and families to be served.

It is the intent of this priority area to work with a small group of selected grantees or delegate agencies which have a locally developed curriculum that meets requirements of the Head Start Program Performance Standards, and an

accompanying staff training plan in the use of the curriculum. The programs funded under this priority area would be part of a national effort to field test their material and, based on its suitability, prepare it for dissemination for other Head Start programs nationwide.

It would be expected that the locally developed curricula would be piloted in as many classes as possible in order to provide adequate critique and refinement of the materials and approaches. In addition, it is recommended that grantees draw on the expertise of early childhood education faculty in a local college or university and that a résumé for this individual(s) be included in the grant application.

In year one grantees will concentrate on refinement and/or review of their curriculum by using the materials in no less than five classrooms and make changes based on staff, parent and child evaluations. In year two the curriculum models will be formally assessed as to their effectiveness and general applicability through the use of a third party evaluator. In order to accomplish the second year assessment, the applicants must demonstrate that they have a minimum of ten classrooms within a second Head Start program which serves a different population in terms of racial/ethnic groups and/or urban/rural location and which is willing to participate in the assessment phase.

Head Start applicants under this priority area are requested to describe the curriculum content and provide a brief overview of the process that was followed in developing their curriculum for the Head Start center-based option which, within a philosophical framework, includes developmentally appropriate activities, i.e., stories, games, foods, play accessories, field trips, and parent activities which although unique to their communities, would be appropriate for use by other Head Start grantees. A copy of their curriculum should be enclosed with each copy of the application.

In addition to meeting the Head Start Program Performance Standards, it is expected that the locally developed curricula would also compare favorably with the following three documents: Developmentally Appropriate Practices, National Association for the Education of Young Children (NAEYC); National Accreditation Criteria and Procedures of the National Academy of Early Childhood Programs (NAECP); and A Guide for Education Coordinators in Head Start (ACYF).

Because of the two year timeframe, only grantees and delegate agencies who have curricula which are in keeping with the various elements described above and which contain the following elements are encouraged to apply.

1. A discussion of the theoretical or philosophical developmental framework on which the curriculum is based.
2. A description of the population for whom the curriculum was developed.
3. Clearly stated goals and objectives for children and/parents.
4. Activities and materials which are logically related to those objectives.
5. Training materials on the use of the curriculum for staff.

Upon completion of the grant work in this priority area, HDS will disseminate a compendium of Head Start developed curricula and training approaches as part of a nationwide effort to stimulate Head Start grantees to enhance their educational components.

HDS anticipates funding projects of 24 months duration with a Federal share not to exceed $28,000 per project per year. The budgets should include the expenses for one individual to participate in three meetings in Washington, DC. Year two funding will be based on successful completion of year one grant activities and requirements. Eligible applicants are Head Start grantees and delegate agencies.

2.4 Parent Involvement in Head Start Activities

Head Start history indicates, and research evidence continues to support the premise that when parents become more involved in Head Start programs they experience greater feelings of mastery and greater current life satisfaction. This meaningful participation by parents in Head Start program activities leads to their feeling more skillful in dealing with life's problems, and feeling more satisfied with the current quality of their lives. Some parents report that Head Start changes their lives, expands their world, and improves their perceptions of themselves and their children. Additionally, some claim to feel more competent as parents, and understand better what quality education means for their children. Parents who have been actively involved in Head Start decision-making and policy-making activities (such as provided through the policy groups), report they have a better understanding of the political process; a greater sensitivity for how governments work; and feel more powerful and skilled in approaching bureaucratic organizations and institutions when attempting to have their family or community needs met.

In an attempt to capitalize on these positive causes and effective powerful outcomes, HDS will fund selected Head Start grantees to expand and build upon their already existing parent involvement component by focusing on demonstrations that will increase the number of parents participating in the program and that will further enhance the quality of this vital component. Such demonstrations should address one or more of the following areas:

1. *Working With Community Colleges:* Parents are their children's primary and most influential educators. Parents, through their participation in Head Start, become more skilled parents who are better able to assist their children in all aspects of their development. They learn about child growth and development by participating in various parenting education courses. Grantees should provide opportunities for parents and staff to receive academic credit for participating in the parenting education courses, such as LOOKING AT LIFE and EXPLORING PARENTING in order to encourage more parents to become involved in the program and with their children's education. Applicants focusing on this activity should indicate how they will work with the local college or junior college to increase parents' participation through offering college credit, or CEUs (Continuing Education Units) for the classes they take with Head Start. It is anticipated that each grantee will include at least twelve parents in the program each year. The goal of this option is to demonstrate to parents the value of education.

2. *Economic Self-Sufficiency:* A few parents through participation in the various aspects of Head Start as observers, volunteers and paid staff become able to lift their families from poverty and move towards greater economic self-sufficiency. To systematically assist more parents to become economically self-sufficient, grantees should (1) develop unique activities that cut across components and provide parents the opportunity to learn more about Head Start and the functions of different staff members in order to expose them to more career choices, and to gain work experience, and/or (2) work closely with other community organizations or agencies to provide experience and job training for Head Start parents. Grantees choosing this option may use the unpublished EXPLORING SELF-SUFFICIENCY(ESS) booklets that were developed by Head Start as resource material. ESS is designed to explore areas that can affect the financial security of the family in a supportive, non-judgmental atmosphere.

3. *Parent Initiated Projects:* Head Start has always emphasized the importance of parents as participants and decision makers in the program. Parents bring to Head Start a tremendous amount of information and insight related to the importance of Head Start as a comprehensive child development program. They know and understand the needs of their local communities. Under this option grantees are invited to submit projects to be designed by parents that serve their unique needs as Head Start decision makers; i.e., developing special training courses that enhance their skills as decision makers and/or developing projects that will increase the overall number of parents who actively participate in Head Start. These activities may be targeted to particular parent groups such as fathers, single parents, teen parents, and working parents.

4. *Project Literacy:* Illiteracy in the United States has been of concern to many persons at all levels of society. In 1983 the President announced a campaign to combat illiteracy among adults. Head Start programs have been involved in the fight against adult illiteracy almost from their inception. In addition, HDS initiated an effort in 1984 which was designed to encourage several Head Start grantees to develop their own models for improving functional illiteracy among adults in the communities where the programs operated. Sixteen grantees participated in the pilot literacy effort. The experience of each grantee in starting an adult literacy program, recruiting volunteer teachers, securing training materials, conducting outreach for trainees, soliciting support from other community organizations, working out transportation arrangements where necessary, and all other aspects of program activity has been compiled in a descriptive evaluation report. Using the "Head Start Adult Literacy Activity Evaluation: Final Report" (April 27, 1986) grantees can replicate some aspects of the literacy project that seem promising for their local community. Each project must minimally include: interagency cooperation, needs assessment, identification of the target population (including Head Start parents, other family members or community residents) to be served and recruitment strategies to be used.

Applicants applying for these grants should indicate how they will implement the program i.e., expectations, targets, recruitment procedures, number of parents involved in these activities and the program's accomplishments.

HDS anticipates funding 24-month projects having a Federal share not to exceed $25,000 annually per project per year. The budgets should include the expenses for one individual to participate in two meetings in Washington, DC during the 24-month funding.

Runaway and Homeless Youth and Families

3.1 Challenge Grants to Community Foundations: Mainstreaming Troubled Youth

The purpose of this priority area 3.1 and the following priority area 3.2 is to stimulate community strategies that address critical issues involved in meeting the needs of at risk adolescent youth:

- An estimated 2.4 million youth are failing in school or work or are being failed by their families.
- Approximately one million youth, some as young as seven years old, are running away from home—often from life threatening situations.
- In 1984 there were 276,000 youth in foster care in the United States. Twenty four percent of these were between the ages of 16–20 and 50% were between the ages of 6–15.
- Of the number of youth seen in the runaway shelters, HDS estimates that approximately 35.5% are homeless.

Using the concept of challenge grants HDS hopes to stimulate both short and long term activity to address these problems.

Grants to local or State foundations will be made for three years for specific project activity described below and with the submission of a yearly application.

The long term purpose of challenge grants to foundations is to stimulate the development of endowed restricted funds for the support of small and medium sized human service organizations which work with the target population.

Eligible applicants are those which:

(1) Meet the legal requirements which qualify them as a foundation;

(2) Are an already established foundation;

(3) Have an endowment or are actively working towards building one; and

(4) Have a giving program which addresses a broad range of community needs.

Non-Federal funds: For every Federal dollar provided each year of the grant, the foundation must provide two dollars in cash, cash equities, bonds or commercial papers (representing new private funds). Other similar instruments must be approved by HDS.

The non-Federal funds must be deposited in an endowed, restricted fund. The future income of this fund must be used to support small and medium sized human service organizations which address the needs of at-risk adolescent youth.

Emphasis shall be placed on increased human services to youth at-risk such as runaways, homeless youth, older adolescents in foster care and unemployed, low-income youth. At the end of the third year, the foundation shall begin to use the income from the endowed restricted fund to fund subgrantees. The grants would continue to focus on the needs of the youth target population, but different project designs could be used after the three-year period.

Federal funds: Federal funding for challenge grants to foundations will be $50,000 per project per year for three years and will contain a requirement for submission of annual applications for approval by HDS. During the first three years, foundations will use Federal funds to address the needs of the target population including grants to subgrantees, as appropriate.

Foundations shall propose selection criteria for any subgrantees in the applications and upon approval from HDS, select subgrantees which will provide the services or shall propose subgrantees in their application and provide the selection criteria used. The use of subgrantees is mandatory for the Mainstreaming priority area and optional for the Independent Living priority area.

In FY 1988, HDS will fund projects in two topical areas: Mainstreaming Troubled Youth; and Independent Living for Older Homeless Youth. The programmatic concepts for Mainstreaming Troubled Youth are discussed below.

This priority area addresses the idea of brokering new pathways for low income youth and youth at-risk in the social/human services system to enter or reenter the mainstream life of their community.

The degree to which different age groups are underserved varies. Therefore, mainstreaming activities could feasibly address a broad age range of adolescent youth.

Generically, HDS programs offer shelter care; intervention; protection and rehabilitation. There is, however, another dimension to be addressed, that of additional motivation, socialization and support at the point where social

service programs leave off and self-sufficiency begins.

Traditional organizations in the community (Girl Scouts, Police Boys and Girls Clubs, fraternities, sororities, etc.) that do not usually deal with these subpopulations have much to offer in this area. Their programs already include constructive use of leisure time, reinforcement of positive decision-making, strengthening self-esteem and self-awareness, adult role models, peer support, skills building, community service, conflict management and mediation. The target population of this priority area are the hidden clientele of numbers of such organizations which presently perceive working with at-risk youth as outside their general program efforts.

HDS seeks to continue the effort begun last year to develop community models for mainstreaming troubled youth through the use of challenge grants to foundations. In 1987, six grants were awarded which proposed a variety of strategies.

Two of these are described below.

(a) Involving youth who are currently in foster care in Girl/Boy Scouts on an ongoing basis; provision of support to these youth by furnishing them with required uniforms; transportation to meetings; working with scout leaders to facilitate the entry of these youth into the program; involving foster parents in scouting activities and in the Foster Parent's Association.

(b) Developing a collaborative community effort to better respond to the needs of adolescent females, ages 12–14, using trained volunteers as mentors who share activities and relate to these youth on a one-to-one basis; developing working agreements among several traditional youth organizations with which this target population will become involved; developing a training curriculum for volunteers and youth service providers.

What appears to be a key factor in implementing grants of this nature is the involvement of a local advocate group as a broker. The broker works with one or more local organizations each year of the grant providing technical assistance in developing programs to aid in the mainstreaming of at-risk youth.

The broker role may be carried out by a single subgrantee or by several subgrantees. The broker subcontracted for by the foundation should be prepared to work with at least one new traditional organization each year.

Runaway and homeless youth shelters and coordinated youth networks not only provide short term shelter care and counseling for troubled youth, but they also spend a major portion of their time and resources brokering the youth and their families into the appropriate service system for addressing their longer term needs. In this capacity and in their education/prevention efforts, shelters have become strong youth advocates in their communities. This priority area would like to involve foundations and runaway youth shelters or coordinated networks in a partnership to develop the concept described above. If a shelter is not available, other local youth advocate groups may be proposed as "brokers."

HDS anticipates funding projects for 36 months each at a Federal funding level not to exceed $50,000 per project per year.

3.2 Challenge Grants to Foundations: Independent Living For Older Homeless Youth

See introduction under Priority Area 3.1 above.

Statistics show a continuing increase in the numbers of older adolescents who are homeless and unprepared to live independently. This population of youth too often lacks the basic skills necessary to obtain employment and housing, manage money and time, seek acute and preventive health care, practice proper nutrition, and avoid substance abuse and sexual exploitation. Moreover, they are at-risk of becoming long-term dependents of local, State, and Federal social service systems.

Recent studies, including HDS funded demonstrations, have reflected the accumulated program experiences of States, cities, foundations and national organizations that comprehensive programs *can* be effective in reconnecting youth to society and developing needed competencies for productive self-sufficient lives.

In the last three years, HDS has funded projects that have demonstrated innovative models for developing independent living skills and transitional living arrangements for older homeless youth for whom returning home or state custody is not an option.

Many different social service agencies are attempting to deal with these problems. Transitional living, however, is a community-wide problem that requires community leadership and coordination of services. Three key criteria for successful program models have emerged from recent HDS funded demonstrations: residential facilities where youth are housed; full community acceptance of the residence and program; and financial and other supportive services for youth not in State custody and for whom Federal and State grant funds do not exist. These youth stand at a crossroad. If they do not grow to independence and full productive adult lives, they are at risk of becoming long-term dependents of the social service system.

Foundations are invited to submit proposals in which effective partnerships are established with youth-serving agencies; e.g., runaway and homeless youth shelters or networks of shelters and youth service organizations to provide independent living skills to older homeless youth or youth in need of alternative living. With the assistance of Federal funds and the establishment of endowed funds, foundations are encouraged to provide a leadership role in developing options for local independent living programs. The foundation can play a major role in the development of specific plans for gaining community support for a transitional living residence through meeting zoning requirements, providing public awareness, and involving business and community leaders and residents in selected phases of program operations. Many older homeless youth who are not in State custody have no mechanism for financial and personal support. Applicants are encouraged to develop funds to provide for such special needs as clothing, medical and dental care, and other needs that would not normally be covered under a Federal grant or State contract, perhaps as seed money or local challenge grants.

Applicants should provide leadership in the development of comprehensive programs and support networks; i.e., job training and assistance services, volunteer mentors, and training in life skills designed to prepare these youth for self-sufficiency. Socialization services as well as educational and health services should be included.

HDS anticipates funding projects for 36 months each at a Federal funding level of approximately $50,000 per year per project.

3.3 Improving Minority Participation in Runaway and Homeless Youth Centers

In most instances, minority youth are underrepresented as self referred clients in the runaway and homeless youth centers compared to their numbers in the target population being served. The Runaway and Homeless Program which serves runaway and homeless youth and their families is seeking ways to increase runaway shelter capacity to more effectively serve minority youth and their families.

The purpose of this priority area is to develop and test methods and model practices for increasing the capacity of runaway and homeless youth shelters to

serve at risk minority youth through such mechanisms as outreach activities and public education campaigns. Specifically, there is a need to increase the awareness in the minority community about available runaway and homeless youth services; to increase minority representation on the runaway shelter staff and boards of directors; and to develop and test program models which will improve the centers' capacity to serve minority runaway and homeless youth, particularly the 16–18 year olds.

Cultural and service-oriented minority organizations have a great deal to offer in helping to respond to the needs of minority runaway and homeless youth and their families and to improve the center's capacities to serve minority populations. National organizations such as the NAACP, COSSMHO, the Urban League and the National Congress of American Indians have affiliates and/or chapters in most cities which could be instrumental in increasing shelter visibility and viability as a prevention-oriented, community-based resource for minority youth and their families.

HDS is soliciting proposals from runaway and homeless youth centers and coordinated runaway and homeless youth networks which will develop formal linkages with minority organizations such as those mentioned above to develop and test innovative approaches and strategies to provide services to at risk minority youth and their families. The eligible applicants should consist of a partnership between the following: (a) A runaway and homeless youth center; or (b) a local, State or regional coordinated network as defined by Title III regulations; and (c) a local or State-wide minority service and/or cultural organization. Through a joint planning and program approach, the runaway and homeless youth programs and minority organizations should develop applications that provide statistics and describe the scope of the problem and the needs in their community; identify the specific minority target population or populations to be served; and indicate how the applicant proposes to address the problem. On-going substantive involvement of minority youth should be a key element in the development of these strategies on the assumption that the participating youth will provide valuable insights about the minority youth community's attitudes concerning the accessibility and appropriateness of available services.

Project outcomes should include successful models for increasing the number of minority youth and families served. Models should include culturally and ethnically effective service approaches to serving the target population. Non-traditional as well as traditional ways to serve the target population may be called for. Models should be replicable for use by other runaway and homeless youth shelters.

The applicants shall indicate in the application ways to determine the project's accomplishments, whether the project has reached its goals and objectives, and how it will assess the effectiveness of the project.

Projects will be funded for 24 months. The level of Federal funding would be approximately $60,000 per year per project.

3.4 Developing An Urban Strategy for the Prevention of Youth Suicide

Youth suicide is the second largest cause of death among the age group 15–24 with indications that the rate is increasing. In addition, the number of suicide attempts is much greater than the actual number of suicides. These attempts are a particular problem among runaway youth. In fiscal year 1985, HDS funded a cluster of projects designed to identify or develop effective techniques for the intervention and provision of emergency services to seriously depressed and suicidal youths. Several effective tools and strategies have emerged from these demonstrations; e.g., a computerized training program for runaway shelter staff; an effective screen for detecting the degree of risk of adolescent suicidal behavior; a model of programmatic linkages between hospitals and runaway shelters and other youth serving agencies to better detect, diagnose and treat suicide behavior; and an innovative model involvement of youth themselves in reducing teenage suicides.

With the continued increase in teenage suicides, particularly in medium and large size metropolitan areas, and the complex nature of this phenomenon, HDS is interested in developing an effective urban strategy for addressing this issue. The focus of this strategy is youth suicide prevention, but the larger issue is meeting the health and mental health needs of adolescent youth at-risk through the development of a community-based treatment network.

One of the outcomes of the group of projects funded in 1985 was a successful model of a community based service network. HDS would like to test the replicability of this model which would also include the use of other effective tools developed by this cluster of projects.

This model, developed by Columbia University, consists of three agencies—runaway shelters, a comprehensive youth services program, and a hospital-based treatment and research facility. First, an effective screen for detecting the degree of risk of adolescent suicidal behavior was developed. The screen uses a scale that assists center staff in determining which level of service is needed. Imminent danger would call for hospitalization, risk or high risk would call for psychiatric evaluation and mental health services. Next, resources were put in place to meet these needs. This screen and triage model has already resulted in a reduction of suicide attempts in the shelters in the New York City area. Detailed information about the model design including the specific components of training, agency protocols and networking strategies for the model's implementation should be obtained from Dr. Mary Jane Rotherman or Mr. Jon Bradley at the Columbia University College of Physicians and Surgeons. Research Foundation for Mental Hygiene, Inc., 722 West 168th Street, New York, NY 10032 (telephone: (212) 960–2332 or 2565).

Applicants are invited to submit proposals designed to replicate the Columbia University model. Applicants should be a combination of runaway and homeless youth shelters and one or more hospital based research and treatment facilities. Either the hospital facility or the shelter may be the lead applicant. Specifically, proposals should show a good understanding of the model and discuss the needs of the community and how the model will address these needs. Project outcomes should specifically address the establishment of cost-effective models designed to reduce incidence of suicide, suicide attempts, and associated at-risk behavior. Projects should result in the establishment of a viable triage service system including intake, assessment, diagnosis and treatment and staff training. Applications should show evidence of commitment and partnership between a major hospital and a group of shelters. Applicants should also provide in their budgets for the costs of training for three project staff at a training workshop which will be provided by Dr. Rotherman and her staff on the implementation of this model. Information on the costs of training can be obtained from project staff at Columbia University.

HDS anticipates funding projects at a Federal funding level of $130,000 per year per project for each of two years.

3.5 Parenting Programs for Incarcerated Parents

There is little information about the stigmas that are attached to parents who are incarcerated and their children. Past experience, however, indicates that parenting skills and visitation programs for these parents are critical factors in promoting emotional stability for both parents and children.

Evidence suggests that parenting skills programs can and do have a positive impact on incarcerated parents' sense of self worth and confidence in dealing with their children.

The importance and need for further program development and documentation in this area is illustrated by the following data from three projects funded in this priority area in FY 1987:

1. An estimated 81% of the female population at one State correctional institution have an average of 2.5 children;

2. Another State correctional institution found that most inmate mothers (83.6%) will regain custody of their minor children; and

3. In some State correctional institutions, mothers (as many as 46.8% in one survey) report that they have not seen one or more of their children during incarceration.

Information from projects thus far seem to confirm that many incarcerated mothers themselves suffered abuse and/or neglect as a child.

HDS and the National Institute of Corrections (NIC) will fund parenting skill development demonstration programs, which include but are not limited to innovative visitation type programs. Applicants should address the impact of parenting programs on incarcerated parents and their children. Impacts may primarily be addressed in terms of:

First, as a possible preventive/intervention factor to break the cycle of abuse; or

Second, as a means of strengthening the motivation of incarcerated parents to develop more constructive coping skills through increased self-awareness, improved self-image, and parenting skill development.

Through these projects HDS expects information on what components—or mix of components—best improve parenting skills, increase self-worth, stimulate self improvement activity and/or reduce recidivism. HDS is particularly interested in knowing the circumstances in which such components are effective. In addition, State correctional institutions need information on how innovations in a State correctional institution can be implemented and maintained over time.

A number of incarcerated parents were themselves victims of physical, emotional, and sexual abuse. We are interested in learning more about what this factor may imply in developing a permanent and successful parenting program for incarcerated parents, specifically in the area of rehabilitation from the affects of abuse and intervention in the high risk cycle that an abused child is likely to become an abusive parent.

Proposals should include a well designed evaluation component that addresses the impact of the program on factors such as increased parenting skills, child-parent relationships, improved self-image, greater interest in self development, job skills, and participation in career counseling, taking into account the possible relationship of these factors to recidivism within given time frames and level of participation. Project applicants should be prepared to address not only the design and development of successful programs, their implementation and evaluation, but also the design and development of documentation which will provide both qualitative and quantitative indicators of impact.

Although credible data is needed to specify program outputs to parents and as base line information for possible future projects, this data *per se* will not be interpreted as necessarily success or failure of a particular program.

Eligibility in this area is limited to a partnership between a State correctional institution and one or more of the following types of organizations: Professional associations in the field with research capability; educational institutions which include universities and colleges; graduate schools of social work; and institutes or centers of child and family development. Applicants are strongly encouraged to include a volunteer component. Applicants should list the organization(s) that will work on the project along with a description of their specific contribution to the project. Written assurances should be included with the application, if available. The State correctional institution is the lead partner and should act as the grantee. Once funded, grantees, either through a conference call or during a meeting in Washington, will work together to establish common data collection terms and practices.

HDS and NIC anticipate funding 36 month projects having a Federal share not to exceed $65,000 per project, per year. Because of the way State correctional institutions are organized, applicants should focus separately on either incarcerated mothers or incarcerated fathers.

Child Abuse and Neglect

4.1 Advocates for Children in Criminal Court Proceedings

The purpose of the Children's Justice Act is to improve the handling of child abuse cases, particularly cases of child sexual abuse, in a manner that reduces additional trauma to the child victim. HDS seeks to extend the use of advocates for children from juvenile court proceedings to criminal court proceedings, in order to provide more support for the child victim in the court process.

Abused children, particularly those who are sexually abused, are often involved in criminal court proceedings as a victim/witness. The experience is often devastating to children and, unless special measures are taken to prepare and support these children when called upon to testify, additional abuse can occur. A child must attempt to cope with confronting the alleged perpetrator, the intimidating formality of the courtroom, a room full of strangers, and intensive questioning by attorneys. The immaturity of the child makes it difficult for him/her to cope with the complicated judicial proceedings, which even adults often find frightening.

HDS proposes to develop programs of trained volunteer advocates working with the courts and the criminal justice system to serve children involved in criminal court proceedings. Some of the tasks an advocate would perform include:

- Explaining the judicial system in terms children can understand. This should include explaining the roles and responsibilities of the various people in child protective services and law enforcement, as well as the courtroom setting;
- Walking the child through a court proceeding in advance of trial explaining what happens in the courtroom, where the different people will be seated and who will participate in the court hearing;
- Offering support to the child in court proceedings by explaining the next step in the process, preparing the child for the hearing, taking the child to the hearing, and sitting beside the child during a hearing or a trial;
- Monitoring the dockets, hearings and proceedings of all of the courts in which the child is involved; and
- Acting as an amicus curiae (friend of the court) regarding issues concerning the child. This role must be developed in

a manner that ensures the alleged perpetrator's constitutional rights are protected.

HDS will support projects to assist court systems, public or nonprofit agencies or coalitions of agencies to recruit, train and use volunteer advocates in criminal court proceedings with special emphasis on: (1) Abused children, particularly sexually abused children, and (2) appointment of advocates at the earliest pre-trial stage.

Applicants are required to describe proposed evaluation procedures which include input from the applicant, the applicable court, the prosecuting attorney's office(s), child protective services, defense counsel, and the child. The joint evaluation process should address whether the project reduced additional trauma to the child victim/witness.

Applicants must provide written assurances of participation from the applicable court, prosecuting attorney's office, and child protective service agency.

Applicants must show that efforts will be made to enlist volunteers who represent the social or ethnic characteristics of the child population being served. The applicant must indicate how the program will continue after Federal assistance ends.

HDS anticipates funding 24-month projects having a Federal share not to exceed $50,000 per project per year.

4.2 Prevention of Serious or Fatal Maltreatment

It is estimated that at least 1,200 children died in 1986 due to child abuse and neglect—approximately half from neglect and half from abuse. An additional undetermined number suffered serious maltreatment due to child abuse and neglect, although they did not actually die.

In July 1987, the National Committee for Prevention of Child Abuse sponsored a national symposium on the issue of child fatalities, at which the available research and data were presented and discussed. Several basic conclusions were reached at this symposium:

1. The total number of child fatalities due to child abuse and neglect is too small to develop valid predictions of which individuals might fatally injure children.

2. It is possible to sort out some high risk child populations for serious or fatal abuse and neglect. For example, infants under the age of one are particularly vulnerable to serious and fatal abuse and neglect. For teenagers, violent deaths and sexual abuse are potential problems.

3. The most effective approach to reducing child fatalities, including those for child abuse and neglect, is the development of prevention programs which address high risk populations. A number of suggestions were made at the symposium for further development of effective prevention approaches, including community wide models to support families in which children are given responsibility for caring for their younger siblings and variations of home visitor programs.

The purpose of this priority area is to request field initiated demonstrations of prevention programs in child abuse and neglect, aimed at preventing serious and/or fatal child abuse and neglect.

The proposed demonstrations should clearly address what high risk populations will be serviced, specifically what measurable outcomes will be sought to achieve an overall reduction in serious or fatal child abuse neglect cases, and the specific prevention interventions which will be used. Applicants should propose a well developed third party evaluation to measure the results, as well as products and resources for dissemination of successful approaches.

HDS expects to fund projects with a 24-month project period having a Federal share not to exceed a maximum of $100,000 per year per project.

4.3 Minority Organizations Assisting in Combating Child Abuse and Neglect

National, regional and State minority organizations capable of focusing attention on child maltreatment issues through educational initiatives designed specifically for their constituent populations at the State, regional and local levels are asked to submit proposals for combating child abuse and neglect.

Child abuse and neglect is present in all races and cultures; it is found at all social and economic levels. The rise in reported cases over the past several years has increased public awareness and aroused considerable concern. That, in turn, has contributed to a heightened national focus which is reflected in the efforts of various agencies and organizations to work to protect the nation's children from abuse and neglect. HDS seeks the assistance of minority organizations which interact with minority groups at the regional or community level which have not been involved in the decision-making process for defining and seeking solutions to child abuse and neglect in the community.

It has been established that different minority groups have specific needs at the service delivery level; child abuse and neglect is no exception. Yet specific needs in a given constituent population are often overlooked. Therefore, HDS is soliciting applications from national, regional and State, minority organizations, associations, and fraternal orders with the capability of focusing attention on child maltreatment issues through educational and other initiatives developed specifically for their constituent populations.

Proposals should include strategies for:

- Defining the problem of child abuse and neglect for the constituent population;
- Developing and field testing public awareness campaigns to address the problems of child abuse and neglect among the constituent population;
- Ensuring that minority child maltreatment issues are addressed by State, county, and local child abuse and neglect agencies in all phases of the development and delivery of prevention, identification, treatment and training programs on child abuse and neglect. This could include (in addition to other strategies to ensure respresentation and participation) minority professionals on staff who reflect the makeup of the client population, and minority representation and participation on public and private Advisory Boards. Moreover, other strategies could be included that provide for the development of child abuse and neglect prevention, intervention, treatment and training programs utilizing the resources of the local community, such as churches, businesses, and professional and fraternal organizations. Such groups could be instrumental in obtaining suitable community volunteers.

There should be evidence of coordination with the appropriate State/county Child Abuse and Neglect agencies and organizations. Letters of support and commitment from participating organizations should be provided. Applications from coalitions of organizations are encouraged. HDS will fund projects having a Federal share not to exceed $100,000 per year per project for 24 months.

4.4 Public-Private Partnerships to Combat Child Abuse and Neglect

Child abuse is a multifaceted problem in our society and requires the combined resources of the public and private sectors to develop prevention and treatment programs. The business sector has in the past become involved in seeking solutions to human service problems, by lending their time, skills, and other resources to worthwhile efforts. They have come to realize they

can enhance their public image, improve worker morale, and create a better community through these efforts. Corporate social responsibility has become a hallmark of many successful corporations. In this priority area HDS seeks proposals from nonprofit organizations which will develop and demonstrate innovative ways the business sector can join with public and private agencies to help combat child abuse and neglect.

Proposals are sought from nonprofit organizations such as national/state associations, fraternal organizations or foundations to develop projects which will collaborate with the business community to develop innovative and creative child abuse prevention projects. These projects will use the resources, commitment and expertise of the corporate sector to carry the child abuse and neglect prevention message to a broad sector of the population, which is larger than the traditional Child Protective System network. The applicant organization, for example, could propose to work with the business community to:

- Sponsor National campaigns to increase public awareness of child abuse and neglect and methods of prevention.
- Establish child abuse and neglect prevention and/or treatment programs within their organizational structure. This approach could include strategies to reduce working parents' stress on the job by such methods as: supporting the establishment of parent support groups, providing flexible work schedules, assisting with child care and developing employee assistance programs.
- Collaborate in a State or local community effort to combat child abuse and neglect. This approach is similar to those in which corporations support a social service program by providing financial, and managerial support, or volunteers, thus allowing the corporation and its employees to have a sense of responsibility and satisfaction for the success of the particular service program sponsored.

Applications should have letters of commitment from the organizations which will participate in a project. There should be evidence of coordination and cooperation with the state or local child abuse and neglect agency as well as expressions of intent on the part of the participating corporations or businesses.

HDS will fund projects with 24 month project periods having a Federal share not to exceed $100,000 per project per year.

4.5 Child Sexual Abuse Curricula Adapted To Native Americans

Child sexual abuse now is recognized as pervading modern society with estimates that by the age of eighteen 15–25% of girls and 3–10% of boys will be sexually abused. The Native American population is no exception.

Several curricula have been developed and used to train children, parents and teachers how: (1) to talk about and cope with past child sexual abuse, and (2) to prevent future child sexual abuse. The curricula has usually been taught in a school setting. Many experts believe that how and by whom the curriculum is implemented makes a difference in how a child accepts and incorporates the information. An appropriate educational setting is believed to be a familiar and nonthreatening environment to children, and a teacher is a responsible person that children often trust and to whom they will be open. It is also critical to involve school administration and parents to ensure that they fully support the program.

Some curricula which have been recognized in the field include the following:

Talking About Touching (1983) Ruth Harmes and Donna James. Seattle, Washington: Committee for Children. Grade level: K–4.

This curriculum is divided into four units: Personal safety and decision making, touching, assertiveness, and community support systems. Each lesson consists of a photograph with objectives, notes to the teacher, a story and discussion questions. Also included are physical indicators, handling disclosure, responsibilities for reporting and suggestions for addressing parents.

Personal Safety Curriculum: Prevention of Child Sexual Abuse (1983) Geraldine Crisci Hadley, Massachusetts Grade level: Preschool–6.

This curriculum resulted from one of six prevention projects funded by NCCAN in 1980. Curriculum components include the touch continuum, problem-solving skills, social support systems, and emphasizes safety without engendering fear.

Personal Safety: Curriculum for Prevention of Child Sexual Abuse (1982) Marlys Olson, Child Sexual Abuse Prevention Program, Tacoma, Washington Grade level: Preschool–12.

This curriculum contains comprehensive material including bibliographic information and complete lesson plans for Head Start, K–2, 3–4, 5–6, junior high school, and senior high school.

An annotated bibliography of curricula, selected model curricula materials, and support can be obtained from NCCAN and the Bureau of Indian Affairs.

We are requesting proposals for demonstration projects from national Indian organizations and Federally recognized Indian Tribes to adapt child sexual abuse prevention training curricula for children on Indian reservations, grades two through six. The proposals should address the following issues:

(1) All applicants must include plans for selecting and contracting with consultants who are experts in child sexual abuse prevention training. In addition selected Tribal members who are also parents should be included as members of the staff or in an advisory capacity. An applicant, with the assistance of a consultant, staff and parent advisors will review the state of the art curricula, select the curriculum most suitable for the Tribe, and adapt the curriculum for use in the Tribal community.

(2) The training curriculum will target Native American children grades two through six "on or near" the reservation. The program will include training for the teachers to implement the program as well as for the parents and children. The location and the setting where the training will take place is to be provided by the applicant.

Letters of commitment clearly detailing what will be provided are required from all schools, cooperative service providers and facility providers including volunteer organizations.

Applicants from national Indian organizations are required to provide a letter(s) of commitment from the Tribal council of one or more Federally recognized Indian Tribes which clearly details: (1) The participation of the Tribe in the development and implementation of the program; (2) how the Tribal council will be involved in the program; and (3) the Tribal council's agreement to accept the curriculum selected.

Applications from Indian Tribes must include a letter of commitment from the the Tribal council detailing clearly the proposed involvement in the program.

Eligibility for this priority area is limited to Federally recognized Indian Tribes and national Indian organizations.

HDS will fund projects with 24 month project periods having a Federal share not to exceed $100,000 per project per year.

4.6 Treatment Approaches for Intra-Familial Child Sexual Abuse

A variety of interventions to ameliorate the effects of child sexual abuse have been developed over the last decade. Often, of necessity, the primary and sometimes the only focus has been the protection of the child and services that minimize the trauma to the child.

Although the healthy functioning of the family where sexual abuse has occurred is recognized as necessary to the well-being of the victim, it has generally not been the primary focus of intervention. At this time what is needed are family based treatment and service provision models which define the family in which child sexual abuse has occurred as the primary client and which emphasize both of the following:

- Treatment of the family as a unit, including both the victim and, if available, the perpetrator in intra-familial cases; and
- Adaptation of an intensive family based services approach for work with these families. This approach seeks to enable families to assume greater responsibility for their own lives by providing intensive, goal oriented services with goals determined and prioritized by the families themselves.

The project should result in the adaptation of family based treatment and services, potentially replicable by other programs, which work with sexually abusive families. The desirability of treating the entire family involved in sexual abuse is supported by research which suggests that intra-familial sexual abuse is not based solely on the relationship between the perpetrator and the victim.

There is often a collaborative role on the part of the mother in father-daughter incest. More than one child victim and/or more than one perpetrator may be involved, although this may not be known initially. Thus, therapeutic interventions must focus on the entire family in order to improve family functioning by building on the strengths that exist within the family. If the victim has been removed, and the case plan is to return the child to the family, special efforts must be made to maintain and improve the ongoing relationship between child and family. If the perpetrator is enjoined from relating to the family, or is in jail, all family members need help in handling these circumstances.

HDS is interested in proposals for demonstrating family based treatment models for families where the sexually abused child is at home or where reunification with the family is the plan. Applicants must demonstrate proven ability in family treatment or family based services within a child welfare setting. Applicants should present an evaluation plan that an external evaluator can utilize in order to evaluate the outcome of the project. This evaluation plan should identify the type, quantity of data to be collected, possible instruments to be utilized and other relevant information. Applicants may wish to contact the NCCAN supported National Resource Center on Family-Based Services, University of Iowa school of Social Work, N240 Oakdale Hall, Iowa City, Iowa 52242 for additional information on family-based services involving sexual abuse.

Letters of commitment from agencies which will be involved in the project should address the specific level and type of commitment they are prepared to support.

HDS anticipates funding three-year projects having a Federal share not to exceed $125,000 per project per year. The first two years will focus on methods and approaches of providing short-term treatment; the third year will continue this with existing cases, but will focus on evaluating the various modes of intervention used with these families.

4.7 Diagnosing and Treating Chronic Neglect

Information gathered from surveys of reports and case records indicates that among neglectful families there is a core group (perhaps five to ten percent) which consumes a disproportionate amount of services over long periods of time. These are families who have become known to an array of agencies and courts over the years. Sustained service efforts made on behalf of these chronically neglectful families do not sufficiently improve their functioning to enable them to overcome their neglectful behavior, to remain intact and manage independently. The provision of intensive comprehensive social services over short periods of time has been relatively ineffective in improving the functioning of these particular families.

However, several program characteristics have been identified by practitioners and researchers as critical to successful intervention with chronically neglecting families: (a) alleviation of the family's distrust of social service agencies; (b) the critical need for an accurate and comprehensive differential diagnosis at intake or shortly thereafter; (c) special efforts to develop and utilize peer support groups; and (d) provision for an extended continuous period of time for working with these families.

HDS is soliciting proposals for demonstration projects which will address the problem of *chronic neglect.* The proposals must include the following:

1. Specific criteria for identifying the *chronically* neglecting families. These criteria should differentiate this subset of families based on characteristics of parental behavior/condition and should not include neglect by reason of poverty alone. It is anticipated that these families will comprise less than ten percent of incoming cases.

2. Development of a differential diagnosis or assessment of the family. Treatment and service plans must be tailored specifically to meet the needs of each family and family member. (It is important to note that recent studies indicate that many of these parents have been victims of child sexual abuse which has not been diagnosed and treated previously.)

3. Plans for developing peer support groups.

4. Description of the plan for case management. Each family must be assigned a case manager to work with the family and coordinate services. The case manager should be responsible for maintaining a regular schedule of dependable contact with the family, for establishing and continuing a supportive relationship and for providing a source of familiarity with the family's history.

5. Regularly scheduled meetings of service providers, use of special teams of consultants, and coordination with other community agencies.

6. Plans for the recruitment, training and use of paraprofessionals and lay volunteers.

7. Treatment of these families should be continuous, although the particular services provided may change as indicated by the family's needs. It is important that assessment of a family functioning be ongoing and that the applicant develop (a) criteria for determining the family's capacity to improve sufficiently to be an intact family, and (b) criteria for the determination of when alternate plans must be made for the children.

Applicants must agree to work collaboratively with other projects and a consortium leader (to be selected from the successful applicants) in order to collect a common core of data and measurements of outcome. Applicants will propose data to be collected: profile data, assessment instruments, diagnostic categories, services provided, and outcome measures. After funding decisions have been made, all grantees will meet with the designated consortium leader to agree on common data to be collected by all projects. Additional data may be collected by individual projects. Adequate time for at least one qualified person to be responsible for data collection management must be proposed by each applicant.

Letters of commitment are required from all cooperating service providers including volunteer organizations, and

all must agree to collect data and provide it to the consortium leader.

It is expected that within the first six months the projects will identify the families to be included, and will, therefore, have two years for treatment, so that outcomes can be studied in the final six months.

An applicant should indicate if there is interest in serving as a consortium leader. Interested applicants should provide information about qualifications of staff available to carry out this evaluation function. An additional six months and additional funding will be provided to the consortium leader to allow for analysis of data from the five projects.

HDS will fund projects with 36 month project periods having a Federal share not to exceed $125,000 per project per year (30 months for implementation and treatment and six months for follow-up). The third year funding will be determined after receipt of each applicant's third year budget suggesting the amount needed.

4.8 Longitudinal Study for Child Abuse and Neglect

The National Center proposes to support a longitudinal life-course study of families at-risk of or involved with child maltreatment. It is anticipated that the study will help contribute to our knowledge of the etiological, and ecological understandings of child maltreatment. By focusing on child and family development and examining systems theories, the study will derive new insights into intervention, prevention, amelioration or treatment as experienced by the study sample. This developmental grant will be used to prepare a scientifically valid, comprehensive and feasible longitudinal study design including the following: a critical review of the pertinent literature; identification of specific study issues; design of a sampling framework, including sample attrition and retention; identification of instrumentation available or to be developed; and outline of a problem identification and resolution methodology.

Applicants should demonstrate an indepth understanding of the impact of child maltreatment on victims, families and the community at large as well as up-to-date knowledge of the extent of the problems, issues, research and treatment modalities on child maltreatment. The etiological, causal, and ecological problems and issues dealing with child maltreatment should be discussed.

In addition to a well-defined and carefully worked out study design and methodology, applications should include a discussion of the innovativeness of the design and uniqueness of the study. The evaluation component should be well-defined with data collection and analyses geared to measure the degree to which the goals and objectives of the study are achieved.

In the discussion of the proposed approach, applicants should include options which could be used to address contingencies which may occur during a longitudinal study, such as unavailable subjects.

In evaluating applications under this priority area, the dissemination and utilization criterion worth 15 points has been eliminated. Those 15 points have been added to the level of effort criterion for a total of 35 points.

HDS will fund projects in Phase I to develop a design of the study with a Federal share not to exceed $50,000 per project for 12 months. Upon completion of Phase I, HDS will evaluate the design of the study and make a decision as to which application to fund. In Phase II, HDS will fund one project for an indefinite period of up to 10 years with a Federal share not exceeding $200,000 per year. Non-Federal funds required of the applicant must comprise at least five percent of the total cost of this project.

4.9 Child Fatalities

One study has estimated that at least 1,200 children died in 1986 as the result of abuse and neglect. Another study suggests the number may be closer to 5,000. Half the number of children died of battering, single violent incidents or the cumulative result of repeated episodes. The remaining number died because of neglect.

Some studies indicate that it is difficult or impossible to predict a child abuse or neglect fatality. Consequently, in order to make advances in the prevention of child fatalities, it is necessary to examine the issue of prediction more closely.

Some studies indicate that in most cases the perpetrator of the child fatality is male. Statistics also indicate that the child is most often two years old or younger. However, while these factors have been recognized, precise indicators of the factors potentially leading to a child fatality have not been forthcoming.

Research is needed to determine if there are clear causes (e.g., personality attributes of the parent, specific child traits or conditions, precise environmental factors) for the child fatalities resulting from child neglect, for the child fatalities resulting from one incident of child abuse, or the cumulative impact of repeated incidents of child abuse.

HDS is interested in developing indicators which will assist protective service workers in the field in distinguishing those situations where children are at-risk of fatal injury.

HDS anticipates funding projects of up to 36 months duration having a Federal share not to exceed $150,000 per project per year. Non-Federal funds must comprise at least five percent of the total cost of the project under this priority area.

4.10 Impact of Investigations

The number of reports of suspected child abuse and neglect received by Child Protective Services agencies has escalated at a rate often beyond the agencies' capacity to respond fully to each report. In an effort to more effectively channel available resources, many States have implemented risk assessment systems to identify and investigate the most serious cases. These systems are utilized by intake workers to determine probable cause for further investigation of the report.

As a result of this process, increasing numbers of families are being "screened out." As a corollary to current study efforts on various risk assessment systems, we need to examine if these families come into the protective services system at a later date and with more serious implications. We need also to examine effective strategies for early intervention or warning to reduce the potential for subsequent family dysfunction.

Research is needed to answer some critical questions:

- What services, if any, are provided to these families?
- What is the impact on families screened out at intake?
- What is the return rate of these families?
- What is the degree of family dysfunction?
- What is the nature of the abuse and/or neglect at the later date?
- Do any of the above vary by the level of training of the intake worker?

Applications should list all the organizations that will work on the project, along with a description of the nature and extent of their collaboration. Written assurances should be included with the application if available. Applicants should show ability to gain access to necessary information.

HDS anticipates funding projects for up to 36 months in duration having a Federal share not to exceed $150,000 per project per year. Non-Federal funds must comprise at least 5 percent of the total cost of projects under this priority area.

4.11 Relationship Between Child Abuse and Teenage Pregnancy

In past years, the provision of parent support and educational services to teenage parents has been a primary focus of child maltreatment prevention efforts. The rationale for this focus has been the assumption that parents in this age group represent a high risk population as potential child abusers. While anecdotal evidence from numerous demonstration programs seems to bear out this assumption, contradictory findings have emerged from other research studies and reporting data.

Further research is needed in this area for two purposes: (1) To test the validity of the assumption that child maltreatment among teenage mothers is more prevalent than maltreatment among parents in other age groups; and (2) to explore the unique causal factors for maltreatment that may exist among these parents, including those that identify high risk sub-populations. Such factors may include situational stresses, level of emotional and psychological maturity, economic dependency, parental victimization as a child, and lack of parenting skills.

HDS will consider studies in this area and plans to fund projects for a 36 month duration at a Federal share not to exceed $150,000 per project per year. Non-Federal funds must comprise at least 5 percent of the total costs of project under this priority area.

4.12 Field Initiated Research for Child Abuse and Neglect

HDS is interested in supporting research initiated by researchers in the child abuse and neglect field to carry out the legislative responsibilities established for the National Center on Child Abuse and Neglect by the Child Abuse Prevention and Treatment Act, Pub. L. 93–247. One of these responsibilities is to:

> * * * conduct research on the causes, prevention, identification, and treatment of child abuse and neglect, and on appropriate and effective investigative, administrative and judicial procedures in cases of child abuse.

Basic research in the behavioral and social sciences which contributes to theory development is not within the purview of this announcement. Our particular interest is current issues having widespread impact on the field of child abuse and neglect, and on the target population.

Applications should list all organizations that will work on the project, along with a description of their contribution. Written assurances should be included with the application. Applications should show that applicants will have the ability to gain access to necessary information.

HDS will fund studies for up to 36 months duration at a Federal share not to exceed $150,000 per project per year depending on the questions to be answered, the intensity of the effort proposed, and the generalizability of the results which may be anticipated. Through this priority area HDS seeks to provide a comparative process for field generated topics. Non-Federal funds must comprise at least 5 percent of the total cost of projects under this priority area.

Applicants should clearly demonstrate an indepth understanding of the issues and problems associated with child abuse and neglect. In addition, the literature survey should be up-to-date and reflect evidence of familiarity with the various organizations that deal with child abuse and neglect at the macro and micro levels.

In evaluating applications under this priority area, the disseminiation and utilization criterion worth 15 points has been eliminated. Those 15 points have been added to the level of effort criterion for a total of 35 points.

For potential applicants seeking additional information on any of the above priority areas, a series of bibliographies related to NCCAN's *research* efforts are available, free of charge, from the Clearinghouse on Child Abuse and Neglect Information, P.O. Box 1182, Washington, DC 20013.

Bibliographies are available for the longitudinal study, including etiological and causal factors on child maltreatment, as well as intervention and prevention efforts; child fatalities; information on protective services intervention and investigatory procedures; and adolescent pregnancy and teenage mothers.

Adoption Opportunities

5.1 Post Adoption Services for Children With Special Needs and Their Families

In the past decade there have been many changes in adoption services, especially as they affect children with special needs and their adoptive families. It has become increasingly evident, that families formed by adoption are in some ways different from other families, have unique problems and need access to services from providers that are knowledgeable about these differences. Many adoption agencies understand the need for post-adoption services and most agree that post-adoption services are an essential component of adoption services. Current practice standards require that the availability of post-adoption services should be introduced during preparation of the family for adoption, be available throughout the time the child is growing up and be available as an integral part of agency service.

A number of models of post-adoption services have been developed which address the following core issues and approaches: (1) Increasing the understanding of mental health professionals that families formed by adoption have different problems from other families; (2) training in the use of successful techniques for dealing with the problems experienced by adoptive children and families; and (3) interagency collaboration among public and voluntary not-for-profit social services and mental health agencies to offer better post adoption services. Recently developed models of training for post adoption services include: *Adoption Resources for Mental Health Professionals*, Children's Aid Society, Mercer County, Pennsylvania in conjunction with the Mental Health Association, Butler County, Pennsylvania; and *After Adoption, A Manual for Professionals Working With Adoptive Families*, Illinois Department of Children and Family Services. More information on these models can be obtained from:

Paul D. Reitnauer, Children's Aid Society, 350 West Market Street, Mercer, Pennsylvania 16137 (412) 662–3707

Mary Patricia Clemmons, Illinois Department of Children and Family Services, 100 West Randolph Street, Suite 6–100, Chicago, Illinois 60601 (312) 917–6864

HDS is interested in proposals which develop new models or which refine or replicate existing models for the purpose of establishing ongoing institutionalized programs. The proposed post adoption program should include, as appropriate, the key elements which have proven to be successful and should emphasize collaborative efforts among public and voluntary social service and mental health agencies.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and to assess the effectiveness of the project. Applicants are expected to develop and disseminate information concerning successful aspects of their programs.

Eligible applicants include public and voluntary not-for-profit child placing agencies.

HDS anticipates funding 24 month projects having a Federal share not to exceed $100,000 per project per year.

5.2 Effective Strategies for Recruiting and Preparing Prospective Adoptive Families for Hispanic Children With Special Needs

The purpose of this priority area is to demonstrate innovative methods for recruiting and preparing prospective adoptive families for Hispanic children with special needs.

During recent years States have developed and used a variety of new strategies to recruit prospective adoptive families for children with special needs. Among the most successful models were:

- One Church, One Child (which developed a partnership between the Black church and the State social service agency for recruiting families for Black children); and
- Friends of Black Children (the State social service agency assisted in the creation of State and local citizen groups to recruit families for Black children).

Each of these models required very active community participation in recruitment and often in family preparation. These recruitment models were particularly successful in the recruitment of Black families and the placement of Black children. States that adopted these models reported a significant increase in the number of families who responded to media and other presentations on adoption.

HDS will consider demonstration projects to establish ongoing recruitment programs for prospective adoptive families for Hispanic children with special needs. Each applicant should be prepared to develop and disseminate training or technical assistance resources on successful aspects of its project. Each applicant should target a specific number of prospective adoptive families to be recruited (a minimum of 50 is suggested) as a result of the project and describe any extraordinary social or community involvement.

Eligible applicants may include public child welfare and voluntary adoption placement agencies working in close collaboration with Hispanic organizations, or Hispanic organizations working in collaboration with child placing agencies. Letters of commitment to the activities and outcomes of the project must be submitted from participating agencies at the time of the application.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and how they will assess the effectiveness of the project.

HDS anticipates funding 24 month projects having a Federal share not to exceed $100,000 per year per project.

5.3 Effective Practices for Terminating Parental Rights

There continues to be a problem in facilitating the termination of parental rights (TPR) for children in the care of child welfare agencies who have adoption as a goal. These difficulties include early identification of children for whom adoption is appropriate, preparing cases for court, working with court officials, preparing birth families for the process and completing legal termination. Therefore, many children wait for unnecessarily long periods of time to be legally free for adoptive placement. Such difficulties subject the child to delays in being placed with a permanent family.

There is a need for collaborative efforts between agencies and courts to provide timely services to children who cannot return to their birth families. The courts and agencies must work together toward this end.

A number of States have worked on this problem in the past few years. The American Bar Association (ABA), through a project funded by HDS in 1983, worked with five States to eliminate or minimize the legal barriers which impede the timely movement of children with special needs into adoptive families. For information on the ABA project, contact:

Ellen Segal or Mark Hardin, American Bar Association, 1800 M Street, Washington, DC 20036 (202) 331-2250

Some of the States in the project were very successful in significantly reducing the time a child had to wait for TPR. Essex County, New Jersey, provides a good example in that they were able to reduce the average length of time a child remains in the court process, once the termination papers are filed, from 34 weeks to six weeks.

HDS is interested in proposals which address specific problems or issues concerning TPR which act as barriers in the area served by the applicant, such as the number of children now waiting for TPR, length of time they must wait for TPR, and/or court related difficulties. Goals, expected outcomes of the project and how the system will be changed should be projected in measurable terms, and the applicant should describe procedures for keeping track of how children are affected by the enacted changes. The children to be served in this project are those in the foster care population for whom adoption is the goal and who are not yet legally free for adoption. They are primarily in the care of a public agency although they may be served by a voluntary agency through purchase of service.

Since this is a collaborative effort between agencies and courts, each type of applicant must have specific letters of commitment from the other types which document the areas of collaboration and support.

HDS anticipates funding 24-month projects having a Federal share of $75,000 to $100,000 per project per year. Diversity among geographic regions and types of applicant will be considered in making awards. HDS will consider disseminating exemplary models.

5.4 Partnership Between Regional Adoption Exchanges and Social Service Agencies

Adoption Exchanges have been a positive force in facilitating the adoption of children with special needs. They operate on local, State, regional and national levels, providing a variety of services which include the listing of approximately 25,000 children and 22,000 prospective adoptive families each year (*Adoption Exchange Study*, Westat, Inc., 1986).

Regional adoption exchanges which are generally located in contiguous States, have been effective in planning and implementing adoption services for special needs children and potential adoptive families. These services include recruitment of families; assisting in placing children out of State; technical assistance to State and local agencies; arranging for media coverage in cooperation with agencies and preparing children for child specific media activities. Some regional exchanges have developed creative ways to increase public awareness concerning the plight of waiting children and to raise funds to support exchange services. For example, the Rocky Mountain Adoption Exchange (RMAE), has for the past four years conducted a docuthon, a non-commercial telethon of a documentary nature, which raised a subsiantial amount of money and recruited potential adoptive families. The RMAE has had the support and cooperation of businesses, corporations, local television stations, and social service agencies in conducting docuthons.

Findings from the *Adoption Exchange Study* suggest that exchanges and agencies must work more closely in developing recruitment plans; i.e.,

"recruitment activities are only as effective as the follow-through provided by exchanges and agency personnel." Although exchanges have successfully recruited prospective adoptive families, subsequent agency follow-up is often delayed to the point that families lose interest or experience difficulty in getting to the adoption preparation stage.

HDS is interested in (a) supporting and strengthening existing regional adoption exchanges to conduct recruitment campaigns in cooperation with social service agencies to recruit potential adoptive families and establish a pool of prepared and approved adoptive families able to parent special needs children; and (b) establishing regional exchanges in regions where they do not exist.

Eligibility is limited to regional exchanges and agencies and organizations that plan to establish regional exchanges. Applicants will be required to have agreements with participating States. There must be cooperation and coordination between the States and the regional exchange and procedures to be used to promptly prepare and utilize prospective adoptive families in order to increase the adoptive placement of special needs children.

HDS anticipates funding 17-month projects having a Federal share not to exceed $60,000 per project.

5.5 Services for Families Who Adopt Children Who Have Been Sexually Abused

Sexual abuse has been identified within the past decade as a significant problem affecting many children.

The American Humane Association annual survey of State Central Registry Reports estimated that 113,000 cases of sexual abuse were reported in 1985, approximately 13% higher than the 1984 estimate. Most experts attribute the increase reflected in these statistics to heightened public awareness and willingness to report suspected sexual abuse. It is not known how many additional cases occur but are not reported.

During FY 1987, the National Center on Child Abuse and Neglect funded four projects to develop and implement specialized training programs for foster parents and group care staff who care for sexually abused children. While these efforts will focus on the provision of needed mental health services and the establishment of supportive systems for the child victims, the primary objective is to rebuild biological family relationships. However, a number of these children cannot return to their birth families and will be placed for adoption.

When these children are placed for adoption, the situation is further complicated because the history of sexual abuse is not always known to the adoption agency or the adopting family. The problem may not be discovered until the family reaches a crisis. Even when the abuse is known, the family may not be prepared for the extent of the damage to the child.

The purpose of this priority area is to address the unique circumstances facing the adoptive family:

- Recognizing the symptoms, accurately diagnosing and effectively dealing with the resulting behavior of the child as caused by a history the adoptive family does not share with the child;
- Understanding and accepting the significance of the trauma experienced by the sexually abused child, such as guilt, shame and inability to trust which often results from such experiences, while at the same time, making a life-long commitment to the establishment of a new family identity and relationship; and
- The need to obtain therapeutic and other types of help to prevent the disruption or dissolution of the adoption.

HDS will fund 24-month projects, with a Federal share not to exceed $125,000 per project per year, to develop replicable service models or to adapt existing successful models for families who are adopting or have adopted sexually abused children. The projects should address the provision of comprehensive services, including but not limited to, therapeutic interventions, training of service providers, development of support services for the family and the child, and developing and providing needed information on sexual abuse as an integral part of the preparation of the adoptive family. Dissemination of the models developed must be addressed in detail.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and how they will assess the effectiveness of the project.

Applicants may be private or public adoption agencies, public welfare or social service agencies, national adoption organizations, or professional associations interested in assisting adoptive families of sexually abused children.

Child Welfare Training

The need for adequately trained and skilled staff is crucial to the delivery of high quality, cost-effective public child welfare services. This is particularly true as the child welfare field increasingly is involved with an older, more handicapped and more difficult population of children and their families. Yet the most recently available data indicate that the vast majority of individuals who are employed in public child welfare lack the professional preparation which would equip them to perform this demanding work.

The social work profession has historically taken a lead role in the professional preparation of child welfare workers. However, as the field and the profession have evolved, fewer graduates of social work programs have taken positions in public agencies and some agencies have either been unable to find qualified persons to fill positions or have declassified positions and have hired individuals with no professional credentials. The combination of these and other factors has created a critical problem in child welfare service delivery.

The child welfare training priority areas described below are intended to address this problem, promote effective collaboration between schools of social work and public child welfare agencies and expand the number of professionally trained and qualified individuals who provide services in the public child welfare system.

For Traineeships, In-Service Training and Collaboration among Agencies, applications will be considered from institutions of higher education which are accredited by the appropriate accrediting authority and which train bachelors or masters level students in social work. Training must be for candidates for bachelors or masters degrees in social work. For Indian Child Welfare Training, applications will be considered from two and four year colleges controlled by Tribes or serving reservations and accredited by the appropriate accrediting authorities. The proposed budget in the application should include the costs for at least one trip to the national grantees' meeting in Washington, DC.

In evaluating Traineeships (6.1), In-service Training (6.2) and Indian Child Welfare Training (6.4), the "dissemination and utilization" criterion worth 15 points is eliminated, and those 15 points will be added to the "expected outcome" criterion for a total of 30 points.

Applications are sought in four priority areas: (1) Traineeships for students pursuing degrees in social work or child welfare; (2) in-service training for persons employed in the field of child welfare; (3) demonstration projects

which involve collaborative efforts between schools of social work and public child welfare agencies; (4) special grants for Indians. Institutions may apply for traineeship grants and one other type of grant.

6.1 Traineeships

Traineeship grants will provide financial support for the education and professional training of students pursuing undergraduate or graduate social work degrees or graduate degrees in child welfare who have a stated interest in practice in public child welfare after graduation. Traineeships are intended to support the education of professionals who will assume leadership positions in the field of public child welfare. All traineeships must include a field placement component that provides the student with direct experience in a child welfare related setting, preferably in the public sector. HDS is especially interested in proposals for traineeships for minority students.

Applicants are encouraged to seek cooperative agreements with public child welfare agencies in order to provide traineeships to public agency employees who demonstrate potential for leadership in child welfare and who wish to return to school to obtain an undergraduate or graduate level degree in social work.

Applications should describe the curriculum utilized and how it relates to the needs of child welfare practitioners. Traineeships grants may only be used for student financial support and not for any other direct or indirect costs for the applicant institution, except to pay for one person to travel to the national grantees' meeting in Washington, DC.

Traineeship grants will be awarded for up to 24 months, for stipends with a maximum of $5,000 per student not to exceed a total of $25,000 per year per institution. No matching funds are required for traineeships.

6.2 In-Service Training

In-service training grants will support training for personnel employed in public/Tribal child welfare agencies. Topics for training should address specific high priority training needs identified by the public/Tribal agency and may focus on any level of personnel, including front line workers, supervisors or administrators. HDS is especially interested in leadership training for persons in management and senior supervisory positions and for other agency employees who demonstrate potential for leadership in the child welfare field.

The training program should be described in detail with specific measurable outcomes and a plan for evaluation of effectiveness. Applicants must demonstrate and document that Tribal and public child welfare agencies have actively participated in the selection of training topics and in the planning and implementation of the project. Participating agencies are encouraged to contribute resources toward the completion of the project goals.

HDS anticipates funding 17-month training grants having a Federal share not to exceed $100,000 per grant.

6.3 Collaboration Between Schools of Social Work and Child Welfare Agencies

Grants will be awarded in this area to support special projects of national significance from institutions of higher education that demonstrate creative, innovative, organizationally sound and economically feasible methods to facilitate continuing interaction between schools of social work and public child welfare agencies in order to promote child welfare training objectives. These collaborative efforts may also include professional associations with significant involvement in public child welfare.

Some examples are: (a) Demonstration of a model to share or exchange staff and faculty in order to enrich teaching and promote improvement in the quality of agency services; (b) Efforts to promote the upgrading of State and/or local merit system procedures for classifying professional social work positions; (c) Efforts to improve the extent to which interdisciplinary services are provided to child welfare clients; (d) Development of uniform certification standards for child welfare workers; (e) Definition of competencies for supervisors in child welfare practice, including child protective services and development of a curriculum which prepares personnel for supervisory work; (f) Definitions of competencies needed for child protective services practice and the development of a curriculum which provides training skill in those competency skills; and (g) Development and implementation of strategies to recruit and train individuals with the characteristics, motivation and ability to become supervisors and administrators in child welfare agencies.

These examples are meant to be illustrative only and HDS encourages the field to generate additional concepts.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and how they will assess the effectiveness of the project.

Projects which are primarily in-service training or traineeships will not be funded under this priority area. HDS anticipates funding 24-month collaborative grants having a Federal share not to exceed $100,000 per grant per year.

6.4 Indian Child Welfare Training

Eligible applicants for this priority area are two and four year colleges controlled by Tribes or serving reservations. Applications from non-Indian colleges which focus on the education and training of American Indians must be submitted under any of the three previous child welfare training priorities.

Eligible applicants for this priority area may apply for the following:

1. Traineeships

Traineeship grants will provide financial support for the education and professional training of Indian students who have a stated interest in practice in public child welfare after graduation. All traineeships must include a field placement component that provides the student with direct experience in a child welfare related setting.

Applicants are encouraged to seek cooperative agreements with Tribal and other child welfare agencies in order to provide traineeships to agency employees who demonstrate potential for leadership in child welfare. Agreements between two year and four year colleges are encouraged to assist child welfare trainees in two year colleges to enter advanced degree programs.

Applications should describe the curriculum utilized and how it relates to the needs of child welfare practitioners.

Traineeship grants may only be used for student financial support and for limited additional support and advisory services which may be necessary to maintain Indian Students in school, such as remedial assistance, but not for any other direct or indirect costs for the applicant institution.

Traineeship grants will be awarded for up to 36 months, for a maximum of five stipends per school, not to exceed a Federal share of $25,000 per school, per year. No matching funds are required for these Traineeships.

2. In-Service Training

In-service training grants will support training projects from two and four year colleges controlled by Tribes or serving reservations for personnel employed in

Tribal child welfare agencies. Topics for training should address specific high priority training needs identified by the Tribal agency and may focus on any level of personnel, including front line workers, supervisors or administrators.

The training program should be described in detail with specific measurable outcomes and a plan for evaluation of effectiveness. Applicants must show that Tribal child welfare agencies have actively participated in the selection of training topics and in the planning and implementation of the project. Emphasis should be placed on administrative and practice skills such as interviewing, case management, therapeutic intervention techniques, interagency coordination and networking with other service agencies, liability issues, records maintenance and community needs assessment and community planning. Participating agencies are encouraged to contribute resources toward the completion of the project goals.

HDS anticipates funding 17-month grants having a Federal share not to exceed $100,000 per grant.

Child Welfare

7.1 Methods and Practices To Recruit and Retain Family Foster Homes

There is a growing need to increase the supply of foster homes and to enable them to care effectively for children currently being placed into foster care.

Child placing agencies are having increasing difficulty recruiting and retaining foster homes. Many children currently being placed have intense, complex problems including emotional disturbance, developmental disabilities, trauma from physical or sexual abuse, drug abuse, juvenile delinquency, or educational, behavioral and medical problems. Other children in need of care include medically fragile infants and young children.

Agencies report critical problems in recruiting and retaining homes to care for these children with more difficult problems. Children, even pre-school children, are being placed into child care institutions because appropriate foster homes are not available. Reports of emergency group home placements and the "boarder babies" can be traced, at least in part, to the shortage of appropriate foster homes.

Recently, many efforts have been made to increase the supply and effectiveness of foster homes, including intensive recruitment, training of foster parents, development of specialized family foster home programs and respite care, strengthening of State foster parent associations and networking of foster parents, and in some instances, increasing foster parent payment. These efforts, however, have not kept pace with the growing severity of children's problems and the diminishing supply of foster homes. Programs attempting specialized recruitment have reported that efforts generally are less effective unless there also are comprehensive system and practice changes, including support for foster parents as active participants on the treatment team.

As the supply of traditional foster homes decreases, child placing agencies have an increasing responsibility to develop skills in their selection process so that the safety and well being of the child is assured.

HDS is requesting proposals which further demonstrate and seed the development of effective programs to recruit and retain foster families for the more specialized foster care population. Proposals should focus on a combination of the following approaches:

- Increasing payment rates;
- Improving the status and participation of the foster parents as partners in the service delivery;
- Training foster parents and staff;
- Enlarging the support services available to assist foster families, including respite care, mental health services, specialized day care and day treatment services;
- Revising foster care policies and procedures to support an effective specialized family foster care program;
- Strengthening or improving State programs for licensing child placing agencies or family foster homes; and
- Developing foster parent peer support groups, especially in collaboration with local or State foster parent associations.

Projects are encouraged to build upon previous efforts and should identify the successful models used to design the proposed project. Projects will be expected to develop resource materials concerning the project as an aid to others who wish to replicate their effort. Letters of commitment from participating organizations should be included.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and to assess the effectiveness of the project. Federal funding for projects will be for 24 months at $60,000 to $100,000 per project per year.

Eligible applicants are public or private child placing agencies.

7.2 Placement Prevention and Reunification With American Indian Families Involved With Alcohol Abuse

The rate of out-of-home care of Indian children remains high in spite of the positive effects of the Indian Child Welfare Act (ICWA), and it is almost certain to increase as the new program for interdisciplinary child abuse teams facilitates the reporting and identification of abuse, neglect and sexual abuse in American Indian reservation communities. Treatment facilities for families are limited, and generally have not been able to integrate the treatment of parents for alcohol and other substance abuse into the child welfare program. New funding for substance abuse is now available, and all Tribes are developing Tribal Action Plans to determine the most effective use of these funds available under Pub. L. 99–570. Child welfare programs must establish links to these new programs to insure that treatment priorities are established for parents with children in foster care or with children at imminent risk of placement.

It is currently estimated that 75% to 90% of child welfare placements of Indian children are at least in part due to problems related to parental alcoholism. Since 1982, there has been a gradual increase in the numbers of children in out of home care, and it is probable that current totals exceed those of 1977–78, before passage of ICWA. Intensive family treatment approaches are effective with Indian families, but limited resources have seriously delayed their implementation in Tribal social service agencies.

HDS will fund demonstrations to establish placement prevention/reunification programs for American Indian families with children in care, or at risk of placement because of alcoholism or alcohol abuse of parent(s). The projects must demonstrate how to stabilize or reestablish families through involving the parent in alcohol treatment, and using parent aides or family support workers to provide help with services, and ongoing monitoring of the family. Services may include housing, food and clothing, parenting and life skills training, family and individual counseling, household management, medical and financial assistance and recreation. Costs of the alcohol treatment must be met by the Tribe under its Tribal Action Plan (BIA–IHS funding) and the application must include assurances to this effect. Applicants should also indicate plans for continuing the program after the

demonstration using this Federal funding ends.

ICWA programs and Tribal social service programs are eligible to apply for demonstration funds.

Programs must outline services including commitment from an alcohol treatment program. The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and to assess the effectiveness of the project.

HDS will fund 24-month demonstration projects having a Federal share of $75,000 to $100,000 per project per year, depending on size of the service population.

7.3 Longitudinal Cohort Study for Child Welfare

There have been very few longitudinal cohort studies to examine the long-term consequences of the foster care experience of children on their subsequent adult functioning and life cycle. HDS is interested in a study of foster care children and a comparative group of children not experiencing foster care which is national in scope, scientific in design and longitudinal (10 years) in nature.

This study would collect extensive data on the children and would contain psychological test scores, school performance data, parental visiting patterns, service provided, assessment data from social workers, teachers and parents. As the study progresses, additional data would be collected on the accomplishments/failures of the foster care and control group children. This would include social activities, income/job performance measures, marriage and parenting information, and drinking and drug abuse.

Although there have been a number of follow-up studies of children in foster care, none had a comparison group, and all but one studied less than 300 children. The frequency and length of time for follow-up also varied considerably. The major shortcoming of these studies was a lack of a comprehensive and uniform coding of data relating to the foster care experience of the child and family. Therefore, the longitudinal study which HDS is interested in must be structured to collect complete information on both the study cohort and the control group and propose appropriate procedures to maintain frequent contact with all participants, since significant data can be lost over time if study and control group participants drop out or cannot be located. Also to be considered and addressed in the application are options available should contingencies occur, such as study dropouts.

HDS is interested in funding the design phase for the kind of study described above. Proposed staff or consultants must have experience in longitudinal research projects, research study design and implementation, data collection, instrument development, client interviews, processing multiple types of data, data analysis, report preparation, child welfare programs, and outcome analysis. Also, the applicant should demonstrate the need for multi-disciplinary approaches (social work, education, psychology) to be used in the study. The description of the research methodology should include a detailed description of the research framework, sampling procedures, outcome measures and expected outcomes.

HDS anticipates a two-phase funding approach in this area. During Phase I, HDS will fund projects at a Federal share of $50,000 per project for a design study covering six to twelve months of effort. Subsequent HDS Federal funding for Phase II of up to a Federal share of $200,000 per year for one project would be based on a determination of the feasibility of the total effort. The non-Federal share must comprise at least five percent of the total cost of the project under this priority area.

In evaluating the applications under this priority area, the disseminiation and utilization criterion worth 15 points has been eliminiated. Those 15 points have been added to the level of effort criterion for a total of 35 points.

7.4 Synthesis of Child Welfare Evaluation Research Studies

For the past 25 years the Children's Bureau has provided support for research studies that advance and improve child welfare. Beginning in 1975 with *Child Welfare in 25 States—An Overview*, the Bureau has complemented the research leading to knowledge generation with an examination of the child welfare system and its components. There exist between 50 to 75 studies that have been conducted, mostly unpublished but available as final reports, that examine issues concerning the delivery of child welfare services.

HDS is interested in a synthesis of this literature and other significant studies generated by the field to identify what has been learned and what remains to be learned. Syntheses should be organized around large questions facing the field. They are not to be a simple abstracting and compiling of studies. Support shall be provided to studies that address the following:

1. Systems and public administration issues: Evaluation research that has assessed how well the child welfare systems function. Evaluation issues that need assessment include: Program impact, services delivered, deficiencies in child welfare system services delivery practices, barriers to program implementation, unmet needs of the client population and the impact of programs on service delivery and child welfare policy at State and national levels.

2. Research on clinical and treatment issues in child welfare services. Research issues that need assessment include: Population served, problems and needs of the populations, etiology, treatment approaches at individual and program levels and administration approaches.

3. Analytic methods: Methodological issues that need assessment include: Type of method or analytical paradigm (experimental design, statistical analyses such as regression and time series methods, curve fittings, operations research or simulation modeling), effectiveness of the method, and theoretical and methodological assumptions that may have influenced the findings.

For all of the above, the studies shall:

- Be organized by: type of delivery system, population served, and services delivered.
- Be arranged by source: former Federal (especially Children's Bureau) and State unpublished reports and by exemplary studies published in child welfare research literature.
- Type of study: control group experimental, quasi-experimental, or clinical.
- Contain a synopsis of each study tabulations of findings including qualitative findings, sample size and discussions of critical areas that need to be examined, promising new directions and the influence of each study on practice and child welfare policy.
- Use current meta analytical or traditional literature analysis methods.

HDS plans to support one or more studies from senior investigators for one year studies not to exceed a Federal share of $40,000 per project with a minimum of five percent non-Federal match. Applicants need not propose to synthesize more than one topic. However, applicants are encouraged to consider a comprehensive crosscutting view for these syntheses.

7.5 Research Study of Intensive Family Services

Over the past 10 years, programs have been developed to provide intensive in-

home services to families identified as being at high risk of having their children placed in some form of out of home care because of abuse or neglect, or because parents are unable to manage or control emotionally or behaviorally disturbed children and youth.

For public policy, the issue is important since national data indicate that the number of children in public care has been increasing since 1984. However, existing family based programs have not been systematically studied, and while generally regarded positively, information is lacking on their effectiveness in addressing specific family problems, relative costs, and other information needed for administrators to make effective policy and program decisions and allocate resources.

Currently, there are more than 200 family based programs nationwide ranging from comprehensive statewide programs to small, private agency activities. Common program elements include services to the whole family, services provided primarily in the home and services focused on empowering the family to effectively meet its own needs.

Although program approaches vary in some essential elements including method and duration of treatment, staffing patterns and training, four major strategies can be identified: family therapy, parent education, resource development and community support.

Currently, several formal studies have developed outcome measures and provided a basis for systematic study of these services. A bibliography is available from the National Resource Center for Family Based Services, University of Iowa, (319) 335–4123.

HDS is requesting proposals for a scientifically valid research study of the treatment effectiveness and cost effectiveness of these family treatment programs. Applicants must use random assignment for comparative analysis of program effectiveness. Outcome measures must include measures of family and child functioning in addition to out of home placement episodes, and a follow up interview with the family and child after a reasonable period. Universities or research agencies in collaboration with State or private service providers are eligible to apply.

Applicants must include a selected review of the literature, clear statement of the research design, outcome measures to be used, hypotheses to be tested and proposed data analysis. Proposals must include letters of commitment from cooperating agencies.

Projects will be funded with project period of 36 months having a Federal share not to exceed $225,000 per project per year. The non-Federal share must comprise at least five percent of the total cost of the project under this priority area.

7.6 Maximizing Reunification in Foster Care With Minimum Re-Entry Rates

Within the child welfare field there has been considerable emphasis on reunification of the child with the family as the permanency goal. Unfortunately, studies in Illinois and data from the National Voluntary Cooperative Information System also indicate that from 29–33 percent of the children who leave foster care subsequently re-enter the system. Re-entry may be due to one or more of four factors or their interaction: (1) Decision by the agency to reunify the child before the family and child were prepared for the move; (2) inadequate post placement services; (3) unanticipated crises in family dynamics or structure; or (4) ecological change beyond the control of the family.

To address problems of re-entry, HDS has supported the development of a systems dynamic model which demonstrated the potential for testing alternative policy and practice decisions for increasing reunification. HDS is now seeking applicants interested in replicating the model which was originally pilot tested in several States. In addition HDS has also identified a model used by the health system to reduce maternal mortality which might be adaptable to the child welfare system to reduce the re-entry of children into foster care who were reunited with their families.

Agencies may wish to concentrate their efforts on either demonstration or use both models simultaneously with a design that can associate outcomes to each model's effects.

As background for those applicants interested in the systems dynamics model, HDS funded a project in 1985 to examine the process of reunification for minority foster care children. From that project a systems dynamics model was designed that approximated the practices of the agencies studied and allowed evaluators to examine how the foster care reunification rate would change under different policy decisions. Each simulation responded to a "what if" scenario and the model offered strategies to make the best use of agency resources under the given circumstances.

Unlike cause and effect models (traditional multiple regression models), the systems dynamics model examines the often recursive and inter-related aspects of different variables.

Agencies can, for example, use preventive services very aggressively and rely on foster care for only the most difficult cases. Such an agency can make excellent use of the resources even though its rate of reunification in these difficult cases is low. Similarly, agencies may move to long-term foster care with reunification attempted in only the more promising cases or terminate parental rights and seek adoption. Time to achieve reunification in such agencies may be shorter than in agencies that strive to achieve reunification in a larger percentage of their foster care cases. Looking at reunification in isolation without these other factors can be misleading and deprive agencies of alternatives that help them do the best job for their clients using the limited resources they have.

The model, comprised of a set of mathematical equations based on the particular agency's foster care data, allows the agency to consider all reunification factors in a given agency and assess alternative strategies, and then make decisions to implement the best option for their circumstances.

Those applicants interested in adapting the concept used by the health system to child welfare, should note that the essential component was a professional review group. When it was tried in the health field to reduce maternal mortality, local sections of professional organizations involved in pregnancy and hospital delivery established local committees to investigate all maternal deaths. They reviewed the hospital records, physician records, and interviewed staff involved with the pregnant women. Based on their professional study, recommendations were made for changes in hospital practice, training and certification for physicians, for obstetrical care, and public education encouraging prenatal care. These review committees are called Professional Review Action Groups (PPAG) for the purposes of this announcement.

HDS envisions that this concept of establishing PRAG committees can be adapted to help reduce the re-entry rate of children into foster care. The PRAG committees would consist of a peer review panel of experts in child welfare who would review all records for children re-entering the foster care system within 12 months after reunification. The committee should consist of two or three professionally qualified people, one of whom is a member of the agency which has re-admitted the child. The other members may be selected from schools of social

work, voluntary agencies, or professional organizations.

These PRAG groups would review every re-entry case to determine whether the reason was due to inappropriate initial decision making, inadequate post placement services, family crises or ecological change or some combination of these factors. Whenever poor decision making is uncovered, this information would be conveyed to the agency to correct current practice. When other factors are identified, this information would be used to effect changes in the community support system to avert the re-entry of the child in foster care.

For more information on either of these models, contact the Administration for Children, Youth and Families, (202) 755–7758.

It is now proposed that the systems dynamics model and/or the PRAG component be tested through full scale demonstrations at a local foster care agency. HDS will consider applications from State or local agencies to further pilot test these approaches. Interested agencies should discuss the systems dynamics model and the PRAG re-entry component and how they might best be adapted to their local decision making process and explicitly link the information from the systems dynamics model and/or the PRAG re-entry component to an agency decision making process. Projects must include a scientifically valid evaluation component which can determine the extent to which the system dynamics model results influenced program, fiscal or administrative changes in the agency, and the impact of those changes on the agency and the program and whether the use of PRAG impacts on foster care re-entry as well as improving the decision making process.

If a combined demonstration effort is attempted, agencies will need to have data on (a) the systems dynamics model outcomes, (b) the PRAG model outcomes, and (c) the outcomes related to both systems dynamics and the PRAG. This can be obtained, for example, through a three-county demonstration effort within the State.

HDS anticipates funding 36-month projects having a Federal share ranging from $125,000 to $175,000 per project per year.

7.7 Preparation for Independent Living in Foster Care among Pre and Early Adolescent Youth

Thirty one percent of the children in substitute care are ages 11 to 15, the largest proportion of foster children in any age bracket. While many of these children will go home, or move into other permanent homes, it is likely that they will spend from 17 months to more than two years in substitute care before they do so. These are critical years during which children in their own homes develop rudimentary self-sufficiency skills, such as earning money, establishing savings accounts, selecting clothes, learning to deal with various community institutions, gradually learning to assume responsibility and to solve the personal problems of early adolescence under the general guidance of their parents, siblings, teachers and peers. Children in out-of-home care, particularly if they have more than one placement, may miss continuity in many of these "growing up" experiences, and thus be unprepared for the next phases of increasing independence and autonomy.

Responsibility for supervision is frequently left to the foster parents under the guidance of the caseworker. In agencies with well trained foster parents and staff with limited caseloads, developmental activities for the early adolescent may occur in an appropriate fashion. However, in systems that are overloaded and respond primarily to emergencies, normal developmental issues are likely to have low priority.

The new Federally funded independent living initiative provides special programs for foster children age 16 and older. Assessment of the developmental gaps of youth in these programs may provide future guidance on specific needs which should be met in programs for younger adolescents. Meanwhile, however, there is a need to address the problem of preparing for independence at an earlier period in the lives of young people in the child welfare system.

HDS will consider applications for demonstrations which will develop and test curricula or program guidance for foster parents and caseworkers, including the study of resources and programs an agency should make available to its foster care program. Products expected include curricula for foster parents, program guidance for social workers, policy statements and program guidance for the agency based on research or direct experience geared to adolescent issues.

Public or private agencies may apply, but the project must address the problems experienced by public agencies, and develop realistic and cost effective approaches for children in public care.

HDS anticipates funding projects for seventeen months having a Federal share not to exceed $100,000 per project.

7.8 Providing Services for Children with Acquired Immune Deficiency Syndrome (AIDS)

It is estimated that nearly 500 infants and children have been diagnosed as having AIDS. Roughly two to four times as many may have AIDS Related Complex (ARC) and an unknown number are infected with HIV (the AIDS virus). These infections are incurred at birth from an infected mother, through blood transfusions, through sexual abuse by an infected adult or, for youth, through sexual activity or the sharing of infected needles in drug use.

There is a rapidly increasing need for medical, social and support services for infants and children who have tested positive for AIDS, who may be in the care of their parents, or in substitute care, or in need of other care options.

Currently a few State and local agencies have developed guidelines and services for infants and children with AIDS (e.g., New Jersey, New York City). These include instructions or directions for care of children with a major focus on personal and health care. However, few support services such as day care, recreation or educational services are available. Development of social and support services for children is hampered because of the public's fear of the disease and uncertainty about the possibility of transmission through physical contacts.

Guidelines for the management of HIV infections within child welfare settings and a list of other appropriate guidelines have appeared in the Mortality and Morbidity Report (MMWR) published by the Centers for Disease Control (CDC) or have been issued by the American Academy of Pediatrics. This information and the "Recommendations of the Surgeon General's Workshop on AIDS, Children with HIV Infection and their Families" will be made available to applicants who request it from the Children's Bureau at (202) 755–7730.

HDS will fund demonstration projects to establish innovative child welfare services appropriate for infants and young children who have tested positive for AIDS, and whose parents are unable to care for them. Both foster family care and innovative community based alternatives to hospitalization should be considered along with provision of day care, respite care, and other support services for caregivers. Educational materials should be developed for families, foster families and group home staff.

Public and nonprofit private agencies which are able to demonstrate competence and prior experience are

eligible to apply. There should be letters of commitment from all cooperating agencies, and these should include medical, mental health, and other public agencies with responsibility in the program.

HDS will fund projects with project period of 36 months having a Federal share not to exceed $200,000 per project per year.

7.9 Mental Health Services and the Child Welfare System

Children in the child welfare system and the families who relate to them (whether birth, foster or adoptive) often have multiple problems which require the skills and expertise of mental health services in addition to child welfare services.

The purpose of this priority area is to support collaborative efforts between community mental health services and child welfare services to develop and/or expand specialized treatment skills and resources for the children and families served by the child welfare system, and to ensure that there are mechanisms in place which permit and encourage child welfare agencies and families access to these resources and services.

The types of mental health problems of child welfare clients are not unique, but these clients exist in familial contexts which can be different from other mental health clients. Extensive support is frequently required for addressing the needs of and providing treatment for children and their parents in these families.

Specifically we identify a need for family mental health treatment/intervention in several related but different situations:

(a) Families which are physically or sexually abusive or neglecting, where the abused child(ren) is in the home but at risk of removal;

(b) Families with behaviorally disturbed children who are either at risk of placement, or have children placed out of the home and require assistance to ensure their return;

(c) Adoptive families who experience difficulty in adjusting to the changes necessitated by the adoption, particularly when older and special needs children have been adopted, and the adoption may be at risk of disruption or dissolution.

In addition, children in all of the above situations are in need of assessment and treatment for a variety of developmental problems, behavioral symptoms, depression and mental health problems as a result of inadequate parenting, instability, family disruption, physical and sexual abuse and neglect. While many of these children are with their families as noted above, many others have been removed and are now in foster family or residential care, and are in need of a variety of treatment services to improve adjustment and facilitate their reunification with their own families, or with suitable adoptive families. Foster parents must also be involved, when that is appropriate.

As in FY 1987, HDS will fund projects that demonstrate inter-agency coordination and improved mental health services to child welfare clients. Projects should specify methods and models for coordinated planning, resource development and systems integration that will provide a continuum of home and community-based services to assist in strengthening families, preventing placement, providing early intervention, reducing waiting periods for service while demonstrating cost-effectiveness. Public child welfare and mental health agencies as well as private nonprofit child welfare or mental health agencies are encouraged to apply. Consortia of private and public agencies that demonstrate collaborative planning and joint commitment of resources, including personnel, are encouraged. Emphasis should be placed on involvement of existing community mental health facilities. For applicants other than public child welfare agencies, evidence of support from the public child welfare agency (local/regional/State) is highly desirable. Written assurances should be included with the application if available.

The applicants shall indicate in their application ways to document the project's accomplishments to determine whether the project has reached its goals and objectives, and to assess the effectiveness of the project.

HDS anticipates funding 24 month projects having a Federal share between $100,000 and $150,000 per project, per year with a possibility of renewal for an additional 12 months. It is expected that projects proposed by both public and private nonprofit applicants will be funded. Applicants may address one or more type of services component (protective services, placement prevention, foster care or adoption).

7.10 Utilizing Family—Based Prevention Approaches for Reunification and Replicating Specialized Foster Care Programs

The number of children living in substitute care has decreased significantly since 1977 as has the average amount of time an individual child spends in foster care. Since 1984, however, the number of children in substitute care has increased. Further, the problems of families seeking services are increasingly complex and the resources and expertise of responding agencies are severely taxed. It has become more important than ever to assure the utilization of available resources and materials by child welfare agencies.

A. Prevention programs to assist and support troubled families and prevent foster care placement are now well developed. The activities and services which are effective in preventing placement should be equally effective in reunification, however, reunification efforts have not been approached as systematically as prevention programs.

Program models developed for placement prevention should be adapted to reunify children with their families. Several models have been replicated and evaluated and are known to be effective. HDS wishes to encourage States and communities to adapt these *programs for reunification.* The following models are suggested:

1. *The Maryland Model of Placement Prevention* is an intensive in-home services program which uses parent aides working in partnership with the social worker to provide parenting skills, modeling of behavior, and to enhance self-sufficiency. In addition, this program provides emergency funds to assist families with housing, transportation, child care and other emergency expenses which otherwise could result in the placement of children. The approach is equally effective for reunification. The program is described in *Intensive Family Services—A Prevention Service Model* by Sondra Jackson, State Program Director, available from the National Resource Center for Family Based Services (see address below).

2. *Family Centered Social Services: A Model for Child Welfare Agencies* is a more widely tested placement prevention model of intensive family services using a structural family therapy approach which is described in *Family Centered Social Services: A Model for Child Welfare Agencies.* Existing programs in Iowa, Minnesota, Wisconsin, Kentucky and other States have been very successful in developing treatment plans based on assessment of the entire family, and resolving the problems which threatened the family. This report also provides information on agency structure, personnel allocation and cost analysis. Available from the National Resource Center for Family Based Services, School of Social Work, University of Iowa, Oakdale, Iowa

52319, (319) 353–5076. The Center will also provide consultation and training.

3. *The Black Family Preservation Program* is a program designed to meet the specific needs of inner city families, particularly minority families. *The Black Family Preservation Program* is a specialized and effective neighborhood based program using women from the local housing project to provide outreach, intervention and support to parents at-risk of having their children removed. Resource materials are available from:

Office of Program Development, Illinois Department of Children and Family Services, 406 E. Monroe Street, Springfield, Illinois 62701

4. *Homebuilders* is a short term intensive in home services model. Services are provided in home by a professional team of two up to 12 hours per day for the first two weeks, and are limited to a maximum of six weeks. The program's philosophy is behavioristic. It has been adopted in many communities and seems to be especially effective with behavior problem youth and their families in preventing the need for placement in residential care. Information is available from:

Behavioral Sciences Institute, 1717 S. 341st Place, Suite B, Federal Way, Washington 98003.

B. Replication of Specialized Family Foster Care. Many foster children with a history of abuse or neglect and the instability of multiple foster placements have behavioral emotional problems. Status offenders, juvenile delinquents, runaway and homeless youth in the child welfare population include many older children with severe problems. In addition, children with multiple handicaps and developmentally disabled children are sometimes candidates for foster care. Many of these youngsters are cared for in institutions because States do not have enough specialized families and specialized support services. Foster parents need training to provide care to the increasing number of children with such complex needs.

HDS has identified several successful specialized family foster care projects which could be replicated by States and local communities.

1. *Boysville, Michigan* is a private multi-service agency which provides care at three varied sites—rural, small community and a large metropolitan area. Foster parents receive extensive training and the social workers are trained in structural family therapy. The children and families receive a full range of services. Information on this program is available from:

Mark Robinson, Director of Specialized Family Foster Care, Boysville of Michigan, 8744 Clinton Macon Road, Clinton, Michigan 49236

2. *Special Family Foster Care, Boston, Massachusetts* is a State sponsored project which operates in cooperation with other agencies in six areas of the State. Children from birth to age eighteen are eligible for a broad range of services related to medical, developmental handicaps, emotional and behavioral problems. The initial project is now available State-wide. Information on this program is available from:

Ms. Linda Spears, Department of Social Services, 150 Causeway, Boston, Massachusetts 02114

3. *The Oregon Social Learning Center* is a private research and treatment center created to strengthen the foundation of families. One of its components is a specialized family foster care program for seriously disturbed children who have been hospitalized. The program provides intensive training for foster parents who are also actively involved with the agency in providing treatment services to children and their families. Information on this program is available from:

Dr. Patricia Chamberlain, Oregon Social Learning Center, 207 E. 5th Avenue, Suite 202, Eugene, Oregon 97401

HDS is requesting proposals to replicate or adapt these programs to improve the quality and availability of reunification services and specialized foster family care.

Public and private nonprofit agencies are eligible to apply. Private agencies must include a letter of commitment from the public agency.

HDS anticipates funding 17-month projects in each area having a Federal share between $70,000 and $100,000 per project.

Administration for Native Americans

8.1 Resolving Alcohol and Substance Abuse Within Native American Communities

Widespread problems associated with alcohol and substance abuse among the Native American population have been documented by various studies/reports through the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA). The costs of alcohol and substance abuse measured in terms of physical, mental, social and economic means have been enormous to Native Americans.

Historically the health status of Native Americans has been substantially below that of the U.S. population, especially in terms of alcohol and alcohol-related health problems.

Referring to the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (Pub. L. 99–570), the Congressional Record under Subtitle C, sec. 4202, Findings reports that:

Indians die from alcoholism at over four times the age-adjusted rates for the U.S. population; alcohol and substance abuse results in a rate of years of potential life lost nearly five times that of the general U.S. population;

Four of the top ten causes of death among Indians are alcohol and drug related injuries (18 percent of all deaths), chronic liver disease and cirrhosis (5 percent), suicide (3 percent), and homicide (3 percent);

Indians between 15 and 24 years of age are more than two times as likely to commit suicide as the general population and approximately 80 percent of those suicides are alcohol-related; and

Indians between 15 and 24 years of age are twice as likely as the general population to die in automobile accidents, 75 percent of which are alcohol-related.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, Title IV, Subtitle C of Pub. L. 99–570 directs the Department of Education, the Department of Health and Human Services and the Bureau of Indian Affairs to determine and define the scope of substance abuse problems among Indian Tribes and to identify resources and programs of IHS and BIA. The law authorizes approximately $22 million annually (each) for the IHS and BIA, beginning in FY 1987–1989. In addition, funds are available through the Department of Education to Indian Tribes for drug abuse education and prevention programs.

The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 also directs the BIA agency and education superintendents, where appropriate, and the Indian Health Service unit directors to cooperate fully with tribal requests made in regards to Tribal Action Plans (TAP). The purpose of TAP is to address alcohol and substance abuse issues and problems through implementation plans.

Alcoholism is a prevalent health and social problem throughout the Native American community. Alcohol abuse affects and is associated with not only the abuser, but also the abuser's family. Family as is commonly understood in most Native American communities means the extended family and includes

parents, their children, grandparents, aunts, uncles, etc. The problem of alcohol also affects and is associated with the abuser's friends and peers, therefore impacting on the condition of the workplace and the school environment. Because alcoholism not only has damaging effects on the growth and development of the individual, but also affects and is associated with the family and the community in general, the approach to solving the alcohol abuse behavior and its related problems requires a comprehensive approach. Community support through public awareness as one means might prove useful in the problem solving process.

It is important to point out the merit of traditionally held Indian values, as practiced by Native American families, as a factor in reducing the use of alcohol and other substances. A 1980 study by E.R. Oetting et al. found that Native American youth who did not use drugs or alcohol, consistently came from homes that had strong family sanctions against substance abuse. These families were perceived as being more successful in the "Indian way." A 1985 study of 2,000 Native American youth age 11 to 18, conducted by Velma Mason, showed that youth who did not use drugs or alcohol exhibited a high degree of family-oriented identity and perceived their families as maintaining traditional values. The reverse was found for Indian youth who reported drug or alcohol involvement.

Applications are solicited from American Indian Tribes, Alaskan Native villages, Hawaiian groups and other Native American organizations for demonstrations designed to show positive measurable outcomes in preventing or reducing alcohol and substance abuse. The purpose of this area is to address the reduction or prevention of alcohol and substance abuse through innovative prevention and/or intervention projects.

Applicants are encouraged to submit proposals that present a comprehensive prevention and intervention approach involving the family and community, however, they may focus on a particular segment within the family or community, such as the workplace or school. Applicants who are Indian Tribes or Alaskan Native villages must state how the proposal relates to or could relate to their TAP. However, the proposal can not duplicate an existing funded element of the TAP or propose to develop or coordinate the TAP. In addition, on-going social service delivery, expansion or continuation of existing social service delivery programs, or direct services do not meet the purposes of this announcement.

Cooperative efforts including the general public and private agencies and/or organizations are encouraged. Applications may also have a cultural approach focusing on traditional Native American practices.

Federal funding for projects in this priority area is limited to a total of $160,000 for a maximum 3 year project period. Applicants should include a budget for each year for which Federal funding is requested. Applicants are encouraged to contact Sharon McCully at ANA, (202) 245–7714, for information concerning specific programmatic issues in this priority area.

8.2 Innovative Community Approaches to Entrepreneurial Activity With Native American Youth

In 1986 the national campaign to nurture America's youth from now until the year 2000 was launched as a cooperative effort between the Department of Health and Human Services and the Department of Labor. The campaign, Youth 2000, is highlighting youth issues and coordinating the efforts of businesses, communities and Federal, State and local levels of government in support of this endeavor.

The Department's 1980 report entitled "Indian People in Indian Lands," a report using the 1980 U.S. Census data, states that the Native American population is younger than the overall population of the country and that Native Americans have the highest birth rate.

According to the 1980 U.S. Census, the Native American population has an unusually high young population with more than one out of three Native Americans under the age of twenty. In addition, the Census also points out that there is relatively no Indian middle class.

Few Native American children have been exposed to entrepreneurial activity through their school experience or through community role models. In fact the idea of private ownership and/or private profit is not a commonly held value among many Native Americans. Native American youth have not had the opportunity to develop entrepreneurial and management skills through the traditional programs whose purpose is to offer an entrepreneurial orientation to young students.

Recent studies have pointed out the lack of entrepreneurial and management know-how among the Native American community as a barrier to economic development. Reservation economic development in particular is still in an embryonic stage of development offering tremendous economic potential for the future. Since a large segment of the Native American population is young and will provide the leadership of tomorrow, an entrepreneurial experience for training future leaders seems desirable.

The primary purpose of this priority area is the enrichment associated with the operation of a formal program through which work-related skills are transmitted in the classroom, through summer activities and/or through extra-curricular activities geared to business operations. Such projects can provide for skills acquisition not only for the youth themselves but also for the community's need for persons with entrepreneurial orientations and management skills. Projects can include a component addressing the exposure to business opportunities or business activities.

In 1987, HDS funded four projects under the same priority area. These projects represent a wide range of approaches such as classroom-type training, computer-based instruction, field trips and the development and operation of businesses. This priority area is being repeated again this year because of the continuing concern about the need to develop entrepreneurial skills among young Native Americans as well as the need for a variety of models for replication.

Applications are solicited from American Indian Tribes, Alaskan Native Villages, Hawaiian Native groups and other Native American organizations including Indian-controlled academic institutions for demonstrations promoting entrepreneurship among Native American junior and senior high school students. HDS will consider demonstrations that are student operated and that include the expectation that income producing enterprises will develop. These activities may include the development of a service needed by the community or the organization, co-ops providing for the needs of the participants, and/or individual or group-managed businesses for which markets may be identified.

Applications in this priority area should include an implementation plan and specific measurable outcomes such as a decline in the rates of school drop out or increased competency in employment-related skills among the population identified, to name a few examples. Applicants are encouraged to include participation by local resources such as local banks, Private Industry Councils, colleges, universities, etc. Projects may relate to programs in

boarding schools, public schools or day schools on reservations or they may be after school type activities unrelated to the school setting.

Federal funding for projects in this priority area is limited to a total of $200,000 for a maximum 3 year project period. Applicants should include a budget for each year for which Federal funding is requested. Applicants are encouraged to contact Sharon McCully at ANA, (202) 245–7714, for information concerning specific programmatic issues in this priority area.

8.3 Development of Models Applying the Enterprise Zone Concept to Native Americans

The concept of enterprise zones as a means of attracting business and capital to Indian reservations is getting increased attention. American Indian Tribes have many of the attributes conducive to enterprise zone application; such as tax immunities, jurisdictional prerogatives, and natural and human resources.

In 1987, five projects were funded to test the application of the enterprise zone concept to Indian reservations. In 1988, applications are solicited to apply the enterprise zone concept in urban settings and the Alaska Native Community, as well as on reservations.

The Administration for Native Americans is interested in addressing the enterprise zone concept in two parts. Part I focuses on Federally recognized Tribes and Part II looks at urban Indian organizations. Alaska Native villages, Alaska Native Indian communities and nonprofit Alaska Native Regional Corporations may refer to Part I and II where appropriate.

Part I: The purpose of an enterprise zone is to attract business and investment capital to an economically-distressed area primarily through packaging and marketing of local resources, governmental attributes and certain locational advantages. Enterprise zones seek to increase employment in targeted locations by removing tax and regulatory obstacles to business.

Tribes, like state governments, have the necessary attributes of sovereignty to create their own enterprise zones prior to passage of Federal legislation. Tribes also have the option to explore jointly-sponsored enterprise zones with their state or other local governments.

According to a comprehensive 1981 report titled "The Applicability of Enterprise Zones to American Indian Reservations," certain principal factors are important to industry in determining where to locate. While the application should not be limited to these factors, identified below, they should be addressed:

1. Basic economic factors (location, labor availability and skills, land, resource availability, market demand and availability of private capital);
2. Civil order (personal safety, property security, enforcement of contracts and political stability);
3. Taxes and regulations (Federal, State, Tribal and local);
4. Infrastructure/service delivery (transportation access, utilities, site preparation, fire protection, schools and street maintenance); and
5. Assistance programs (job training, management assistance services, grants and low-interest loans).

Copies of the above-referenced report may be obtained by writing to the Administration for Native Americans, 330 Independence Avenue, SW., Room 5318, North Building, Washington, DC 20201 Attention: Sharon McCully.

Part II: For an enterprise zone concept to work effectively for an urban Indian community that population should be concentrated in a specific area of the city.

It must be remembered that "Indian preference" in hiring, although legally practiced in certain Federal agencies and by Tribes on Indian reservations, is generally looked upon as against equal opportunity laws when applied outside the reservations and in the specific Federal agencies. Therefore, an enterprise zone created to address unemployment problems among the urban Indian community cannot discriminate against non-Indians seeking employment inside their zone. The urban Indian organization must use the enterprise zone, then, to address the Indian unemployment problem by (1) bringing the job opportunities to the community, and (2) assuring strong affirmative action programs geared to employing Indian people in the businesses attracted to the zone.

The urban Indian organization that sponsors the creation of an enterprise zone should be one that is free of intra-community factionalism. In order to institute an effective enterprise zone, business conducted with the private sector and municipal governments must be free of political interference. Accordingly, an urban Indian organization might consider creating a special board to handle the enterprise zone program.

Resources and attributes that could be packaged and marketed to attract industry and jobs to economically-distressed urban areas with high concentrations of Indian people are:

1. Local, municipal and state government commitments:
   a. Targeted assistance programs (SCORE, JTPA, etc.);
   b. Bond issuance for manufacturing facilities and equipment;
   c. Tax and regulatory relief incentives; and
   d. Improved municipal services (trash removal, security, etc.)
2. Local and regional private sector:
   a. Financial contributions for venture capital fund;
   b. Technical and management assistance; and
   c. Other creative corporate philanthropy
3. Federal government assistance programs:
   a. BIA (where "on or near reservations" situations exist);
   b. SBA, EDA and other programs available for technical and financial assistance; and
   c. Minority preference in securing contracts
4. The Urban Indian organization:
   a. Employment and training programs;
   b. Employee counseling and support programs; and
   c. Creation of venture capital fund (UIDA's BIDCO fund, the Dakota Fund, etc.).

Eligibility is restricted to Federally-recognized Indian Tribes; Alaska Native villages, as defined in the Alaska Native Claims Settlement Act; Nonprofit Alaska Native Regional Corporations; Alaska Native Indian communities, as recognized by the Bureau of Indian Affairs and urban Indian organizations. Applications should address the planning and setting up of the enterprise zone structure and the implementation of a zone.

It is expected that applications addressing both the planning phase and implementation/marketing phase will require three years. In addition, projects that will not be completed or self-sustaining or supported by other than ANA funds at the end of the project period do not meet the purposes of this announcement. It is also expected that financing for the enterprise zone will be secured or will soon be in place at the end of the project period.

Applications from urban Indian centers should have a letter of commitment from their municipal and State governments. Tribes proposing to engage in a jointly sponsored enterprise zone with another governmental entity should also have a letter of commitment. Federal funding for projects in this area is limited to a total of $275,000 for a maximum 3 year project period. Applicants should include a budget for each year for which Federal funding is requested. Applicants are encouraged to

contact Sharon McCully at ANA, (202) 245–7714, for information concerning specific programmatic issues in this priority area.

8.4 Human Service Needs of American Samoan Natives

American Samoa is an unincorporated and unorganized territory of the United States which is administered by the Department of the Interior. Its natives are classified as "American Nationals" and have free entry to the United States. Census Bureau figures indicate that there are approximately 40,000 Samoans residing in the United States, most of them in Hawaii and California. This priority area addresses those American Samoans who live in the United States.

American Samoans are a young community, with more than 50% of their population under the age of 19. They lack education and job skills and have limited English language proficiency and communicative competence. As a result, they experience high levels of unemployment, alcoholism, violent crimes, health problems and other problems associated with extreme poverty.

The percentage of American Samoan families living below the poverty level is 140% greater than for all families in the United States. In States where American Samoans are heavily concentrated, even greater discrepancies emerge. In California, 21.0% of American Samoan families live below the poverty level, compared to 8.7% of all Californian families; in Hawaii, 37.5% of American Samoan families are below the poverty level compared to 7.8% of all Hawaiian families. Per capita income for American Samoans residing in the United States is the second lowest of all population groups.

The unemployment rate of American Samoans in the United States is much greater than that of the general population. The unemployment rate for American Samoans in California is 55% greater than that for the State as a whole. In Hawaii, the overall unemployment rate of American Samoans is more than double the statewide rate.

American Samoans tend to be overlooked by many community-based agencies and organizations that provide health, educational, and other social services. Data show that personnel employed in existing social service programs know little about the unique aspects of American Samoan culture and tradition. Research indicates that there have been few outreach efforts and only isolated attempts by these agencies to hire American Samoan staff and increase American Samoan participation in programs. As a result, American Samoan communities lack knowledge about existing services and participation in many community-based social programs is low.

HDS believes that it is important to respond to the diverse problems experienced by American Samoans, to identify and address the pressing human service needs of American Samoan individuals and their families. Since a high proportion of the American Samoan population is under the age of 19, applications which focus on the needs of American Samoan youth are encouraged.

HDS intends to fund several 24-month projects to develop social service delivery models to address the unique needs of American Samoans. HDS anticipates a Federal funding level of $50,000 per year for each project. Eligible applicants are non-profit incorporated organizations whose principal purpose is serving American Samoan Natives residing in the United States.

Applicants are encouraged to contact Sharon McCully at ANA, (202) 245–7714, for information concerning specific programmatic issues in this priority area.

Administration on Aging

Research

9.1A Field Initiated Research on Community Based Systems of Care

Under the Older Americans Act, as amended, the Commissioner on Aging is authorized to support research to develop an information and knowledge base useful for the purpose of formulating public policy on behalf of elderly people. This research can, among other purposes, establish demographic data bases which contain information about the elderly population or segments of that population and examine effective models of planning and practice that will improve or enhance services to older people. This year, applications for research are sought in the specific area of community-based systems of care.

In recent years there has been a strong national emphasis on developing comprehensive and coordinated community based systems of services so that all older persons have maximum opportunity to live independent, meaningful and dignified lives in their own communities as long as possible. All systems are made up of interconnected elements working together to achieve a common purpose. In any community the elements that make up a service system include the range of service providers, funding agencies, planning agencies and local governments. Coordination and purpose are what make a system out of the collection of elements. Ideally such a system should provide a continuum of care for the elderly that brings together an effective and appropriate mix of family, community and institutional resources.

Many communities have had experience and success in building comprehensive and coordinated community based systems of service for the elderly. A better understanding of the experiences these communities have had could assist other communities to build their own systems of service and assist policy makers and planners to promote adoption of successful methods and techniques.

Applicants are invited to conduct research in one or more of the following areas that:

- Compare and contrast coordinated and comprehensive community based systems of service for the elderly. Systems should be selected with a view toward their potential for replication in other communities. A complete analysis should be developed which describes how the system functions, the services delivered, arrangements between participating agencies and service providers and the role and contribution of each to the system, and its effectiveness in serving the elderly;
- Compare and contrast approaches for creating community based systems such as influencing the political environment, developing coordination with the system, advocacy on behalf of the elderly, providing public information on the needs of the elderly and accessing local resources; and
- Identify and analyze issues relevant to improving the accessibility, responsiveness, and effectiveness of supportive service delivery systems for the elderly.

Applicants should describe the significance of the proposed research in terms of how the knowledge to be gained could be utilized, benefits to be derived, and the potential implications for the aged population, policy makers and service providers. A plan for dissemination of the results to appropriate audiences to promote widespread understanding and implementation of successful approaches should be developed and will be an important criteria in making awards under this priority area.

AoA expects to fund three to five projects under this priority area, with a Federal share of up to $200,000 per project per year, and a project duration of up to two years. Non-Federal funds

must comprise at least five percent of the total cost of any project under this priority area.

9.1B Research on Native American Aging

The Administration on Aging is interested in supporting broad-based research in the field of Native American aging, with a particular emphasis on the gathering and analysis of national or regional data and statistics on the Native American elderly population. This priority area focuses on research aimed at compiling, critically examining, and synthesizing existing data and statistics, and on identifying gaps in knowledge pertaining to all older Native Americans. The intent is to develop state of the art data which will give the Administration on Aging, and other appropriate agencies and organizations, a better understanding of the needs of older Native Americans. Subsequent research will be based on an assessment of the identified knowledge gaps and will contribute to the development of a research agenda.

The types of data on older Native Americans to be analyzed during this initial stage of research include, but are not limited to: demographic information; health and housing conditions; social and economic status; and the availability and accessibility of supportive services.

Each application should contain the following:

- The identification of the data to be collected, examined, and synthesized;
- A research design and operational plan for conducting the proposed project;
- The identification of key audiences, and a plan for disseminating the study results to those key audiences, in order to promote widespread understanding of the existing knowledge and data gaps.

Each study should result in:

- A synthesis of existing research and information;
- An identification and assessment of knowledge gaps; and
- Recommendations for follow-up action, as needed.

AoA anticipates funding up to three 1 year projects having a Federal share not to exceed $100,000 per year per project. Non-federal funds must comprise at least five percent of the total cost of any project under this priority area. There are no restrictions on applicant eligibility.

Education and Training

There are a wide variety of professional and paraprofessional occupations which significantly impact the lives of older people. The Administration on Aging seeks to expand the number of persons in those occupations that affect the elderly who have been properly trained to meet the unique and special needs of this segment of our population. This goal is especially important in light of the projected significant increase in the numbers of older persons in American society.

9.2A Statewide Short-Term Training and Continuing Education for Professionals and Paraprofessionals

Short-term and continuing education and training opportunities must be available for persons currently working in occupations that significantly affect the elderly. With the continued growth of the elderly population, opportunities must be provided to continually upgrade job knowledge and skills that increase the capacity of these professionals and paraprofessionals to serve older people effectively and compassionately. These professionals and paraprofessionals include mental health counselors, hospital discharge planners, home health aides, homemaker aides, respite care and day care personnel, community health center personnel, nursing home administrators and others.

Applicants are encouraged to propose training of persons who are employed in leadership positions that impact on services to the elderly, e.g. managers of home health programs, hospital administrators, nursing home administrators and other types of decision-makers.

Eligible applicants include State Agencies on Aging, State professional associations, colleges and universities. Each application should include the following:

(1) A statement clearly specifying the *single* profession or occupation that is being targeted and the number of persons who are expected to be trained. The application should specify how the expected level of participation in the proposed training activities will be achieved.

(2) A plan to conduct *Statewide* continuing education and short-term training for the single profession or training that will impact on a targeted profession or occupation targeted. Applications which do not offer training that will impact on a targeted profession or occupation *throughout the State* will not be funded.

(3) In every case, the State Agency on Aging and a State or other appropriate association representing the targeted profession or occupation must be partners in the project. Applications should list all the organizations that will collaborate on the project along with a description of the nature and extent of that collaboration. Written assurances should be included with the application.

Applicants may apply for support for a number of different professional or paraprofessional occupations within the State. However, each application must target a *single* professional or paraprofessional occupation and show promise of significant impact on that occupation, and subsequently on the elderly, throughout the State.

(4) The applicant should present a training plan which shows how existing training materials will be used wherever possible. A wide variety of curriculum materials have been developed with the support of AoA and other Federal, State and private efforts. Every project need not develop new materials.

(5) Applications must make a major effort to disseminate project products to other State Agencies on Aging and to the national associations representing members of the targeted profession. The application must specify how this will be accomplished.

(6) AoA will give special consideration to applications which propose to enhance and improve training programs for Title III service providers and nursing home providers which focus on serving older persons with the greatest economic and social need, particularly low-income minority elderly.

(7) Except as specified in the previous paragraph, applications may not propose training for individuals for whom the State Agency on Aging has primary training responsibility as described under section 308(a)(1) of the Older Americans Act, i.e., "short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act."

Institutions of higher education with significant minority enrollment are particularly encouraged to apply. AoA expects to fund up to ten projects under this priority area, with a Federal share of up to $150,000 per project, and a project duration of up to 17 months.

Projects will be funded at a level not to exceed $150,000 in Federal funds for a maximum duration of up to 17 months.

9.2B Aging Content in Professional Academic Training

The Administration on Aging encourages the inclusion of aging content in programs leading to certification or an academic degree for persons preparing for employment in occupations that significantly impact on the elderly population. Professionals and paraprofessionals who would

benefit from specialized gerontological or geriatric content in their career preparation include, physical therapists, counselors, occupational and recreational therapists, home economists, pharmacists, home health aides and others. Applications may be submitted which focus their training on other professions and occupations. However, such applicants must demonstrate that these professions or paraprofessional occupations have not developed significant gerontological or geriatric components previously.

Applications are requested from institutions of higher education or national and state professional associations for the purpose of training persons in a specific professional or paraprofessional occupation. Community colleges and institutions with substantial minority enrollment are particularly encouraged to apply. The training should focus on aging concepts and best practices for working with the elderly. Each application should include the following:

(1) A statement clearly specifying the *single* professional or paraprofessional occupation being targeted.

(2) Evidence that the State Agency on Aging has been significantly involved in the design of the training proposal.

(3) Evidence that the proposed activity is in response to documented needs for aging content in the profession targeted for training.

(4) Evidence that the proposed activity will be on-going once the grant terminates.

(5) A brief description of current gerontology courses or program offered at the institution and how the proposed activity would strengthen or enhance the existing program.

(6) Written assurance from agencies or organizations involved in a collaborative effort should be included.

AoA will give special consideration to those applications which include curricula focused on serving older persons with the greatest economic and social need, particularly low-income minority elderly.

Applicants should identify and adapt existing aging education and training curricula to the needs of the program. Information on curricula that have been developed with AoA support is archived in four major clearinghouses. Information may be obtained by calling Project Share (301) 231–9535; the National Technical Information Service (703) 487–4650; the American Association of Retired Persons' "Ageline" (800) 345–4277; and the U.S. Government Printing Office Library Programs Service (202) 275–1007.

Applications must include a plan to collect and report information on students participating in the proposed program. The information, to be collected and reported at the beginning and end of the project, must include: (1) Number of students in the program; (2) aggregate demographic characteristics including such factors as sex, race, age and geographic background of the students (i.e., urban or rural) so long as the confidentiality of individuals is assured; (3) types of courses and practical experiences; and (4) upon each student's graduation, the employment secured.

AoA expects to fund up to nine projects under this priority area, with a Federal share of up to $150,000 per project, and a project duration of up to 17 months. Eligible applicants in this priority area are limited to institutions of higher education and national and State professional associations.

9.2C National Projects to Improve Accreditation Requirements in Aging

Applications are requested from national organizations with authority for planning, supporting, assessing, and sanctioning instructional programs in post-secondary institutions. Applications must have primary focus on improvement of instructional content in gerontology and aging-related knowledge and skills unique to one or more recognized professions, fields, or skilled occupational areas.

Highest priority will be given to applications which address the following areas of interest:

(1) Development of a national plan for increasing the requirements or standards for accreditation of instructional programs in specific professional, paraprofessional or specialized occupational fields.

(2) Assessment and reporting of minimum knowledge and skills and methods of their evaluation for credentialed, certified, registered or licensed individuals completing a post-secondary instructional program.

(3) Assessment and reporting of state and national laws, rules and regulations which sanction or promote improvement of aging content in specific professional, paraprofessional or specialized occupational fields.

(4) Development of long term organizational membership services which promote, encourage and sponsor improvement in instructional programs using available curricula, with emphasis on faculty, administrators, and institutional officials and a plan for ongoing implementation beyond the period of AoA funding.

Highest priority will be given to those applications which include all of the following:

(1) Evidence of consultation with representatives of State Agencies on Aging in development of the proposal and involvement of one or more State Agency on Aging representatives as advisors or consultants in implementation and evaluation of project activities.

(2) Evidence of involvement and participation of State government organizations which regulate, support or influence instructional programs or license, register or certify graduates of instructional programs which are the central focus of the application.

(3) Evidence of intent to continue project goals and selective activities once the project grant is completed.

(4) A brief description of the applicant organization's mission, functions, and structure, as they relate to the conduct of instructional programs in post-secondary institutions.

(5) Written assurances from agencies and organizations involved in collaborative efforts described in the methodology section of the proposal.

(6) Identification of and reference to relevant training and education project activities supported by the Administration on Aging, the Public Health Service, Veterans' Administration, Department of Education and major private foundations.

AoA expects to fund up to five projects under this priority area, with a Federal share of up to $150,000 per project, and a project duration of up to 17 months. Applicants in this priority area should be appropriate national bodies which are in a position to have a national impact on the identified profession or occupation.

Minority Training and Development

Proposals are solicited which would increase the number of individuals who are members of minority groups working in aging-related jobs through innovative efforts that: (a) Promote the development and placement of minorities as program managers in aging network and aging related private sector jobs; and (b) develop a formal training program and/or course for Indian Tribe Directors of Title VI programs of supportive and nutrition services.

9.2D1 Minority Management Traineeship Program

The Administration on Aging (AoA) is interested in increasing the number of minorities in management/administrative positions in State and

Area Agencies as well as other organizations impacting the elderly. Applications are solicited from State and Area Agencies on Aging, educational institutions, Indian Tribal Organizations funded under Title VI of the Older Americans Act and other appropriate organizations to participate in the Minority Management Traineeship Program. The objective of this program is to enable trainees to assume management positions after completion of their traineeship. The program is intended to place college graduates with either significant prior aging program experience, graduate degrees, or masters-level students as management trainees in organizations serving the elderly. Applications should contain information about the host agencies, procedures for selecting and recruiting trainees, a description of the traineeship itself and information about training and supervision associated with the traineeship.

Applicants must include a plan to assure that when the traineeship is completed the trainee will assume a management position in an organization serving older persons.

The level of Federal financial participation in projects under this priority area is limited to a maximum of $1,000 per traineeship per month. A project proposing a traineeship program lasting for nine months and involving ten trainees may apply for a maximum of $90,000 in Federal funding. Applicants are encouraged to obtain other contributions in support of their traineeship programs. Any such support will not be subjected to the $1,000 per traineeship-per-month Federal cost constraint.

AoA expects to fund up to nine projects under this priority area, with a Federal share of up to $150,000 per project, and a project duration of up to 17 months.

9.2D2 Training for Indian Tribe Directors of Title VI Programs

AoA is interested in increasing the competence of Indian Tribe Directors of Title VI programs of supportive and nutrition services and providing recognition for persons working in these positions. Proposals are solicited from public, voluntary or profit-making training organizations which are familiar with Older American Act Programs, and which can offer full training courses.

The course could be a combination of full time instruction, correspondence, individual and group sessions or other formats. A description of the course to be offered must be submitted along with the application. This training should include all subject areas involved in administering the Title VI Program: financial management, nutrition, social services, budgeting, personnel, planning, facilities management, public relations, gerontology, Indian Culture, fundraising, etc. Applicants must include: (a) A plan to offer the course to at least 20 persons the first year, (b) a plan to offer the course to as many as desire it over a three-year period, (c) an estimate of the number of Tribes likely to participate, and (d) a method for selecting the students. The proposal should include: (a) Funds for tuition, travel and maintenance expense for students, and (b) a plan to evaluate the course after the first year and modify it if needed. Persons selected for this training should have some experience in administering all or part of a Title VI Program and a guarantee of continued employment by the Tribe. Tribes should agree to continue participant's salary while involved in this training.

AoA expects to fund up to two projects under this priority area, with a Federal share of up to $200,000 per project per year, and a project duration of up to three years.

9.2E Executive Leadership Institute on Aging

The role and challenge for the aging network of State and Area Agencies on Aging will continue to change as our nation's older population grows and changes. Executives, managers, and key staff of State and Area Agencies on Aging must be knowledgeable and current about our changing society and how it affects their roles as they provide leadership designed to assure that each and every community in our nation is a good place in which to live and mature.

In order to meet this challenge, the Administration on Aging (AoA) is interested in enabling aging network agencies to further strengthen and develop the leadership capacities of their executives and managers. In order to assist States in accomplishing this objective, AoA will support the establishment of one (1) Executive Leadership Institute on Aging to train a cadre of highly qualified executives, managers, and key staff in State and Area Agencies on Aging and Indian Tribes.

The applicant selected to receive an award for the development and implementation of the Executive Leadership Institute on Aging must be qualified to provide high quality training at a level beyond that normally carried out by State and Area Agencies on Aging. The training program proposed must not duplicate the ongoing training which is the responsibility of State, Tribal, and Area Agencies on Aging. Applicants should propose a strategy which would best implement the concept of an Executive Leadership Institute on Aging.

The strategy proposed may include residential programs which adapt features of other successful executive development programs; or the training might be provided on a multi-site basis with training programs scheduled at different locations around the country at different times; or applicants may propose a combination of these approaches, e.g., residential training for executives and managers and multi-site training for other staff.

Whatever the approach proposed, it is essential that the Executive Leadership Institute develop a prestigious, high quality program which executives will be nominated for and selected to attend. Because of the quality of the training presented, the limited number of training modules available each year, and the small number of individuals allowed to participate in each module, it is expected that competition will develop for the available training slots. Therefore, applicants should specify the number and types of training courses proposed and how they will address the needs of their intended audiences. The appropriateness and quality of the proposed training courses will weigh heavily in the selection of the applicant to conduct this Institute.

Participation will be limited to executives, top managers, and key mid-level staff of State and Area Agencies on Aging and Tribal governments as well as a limited number of advisory council members and other appropriate officials whose responsibilities directly impact on older persons. It is expected that each of these groups will have distinct training modules customized to its needs. To insure that the State and Tribal Agencies on Aging have the full opportunity to play a significant role in developing the executives and key staff within their jurisdiction, all participants must be nominated by a State Agency on Aging or Tribal government.

Faculty should include resident core staff with expertise in one or several of the curriculum topics. In order to maintain continuity in the educational program, a number of core faculty members should be available throughout the duration of the training. The work of the core faculty should be supplemented by visiting faculty who are expert in a particular topical area or who have otherwise made a significant contribution to the area of study.

The Executive Leadership Institute on Aging also is expected to serve as a

resource to State or Tribal Agencies on Aging as they design their own training programs for other staff of State and Area Agencies on Aging, and service providers. On a limited basis, the Institute shall assist the States in designing such training programs, developing curricula, and identifying qualified training sources for use by individual States. No more than 20% of the Institute's award may be used for such technical assistance.

The following features will characterize this program:

- The applicant selected will be awarded a Cooperative Agreement for a three year project period.
- The Administration on Aging and the organization selected to serve as the Executive Leadership Institute on Aging will work cooperatively in the development of the Institute agenda.
- The Executive Leadership Institute on Aging shall have its own organizational identity within the structure of the performing organization. Evidence must be provided that the Institute will have the ability to function in a independent manner.
- The Executive Leadership Institute on Aging shall have a Director with an appropriate background and who will devote full time to this position. Appropriately qualified individuals shall be appointed to the Institute faculty.
- An Executive Leadership Institute Advisory Committee will be established to insure that the Institute is responsive to the needs of the aging network.

Federal funding for the Executive Leadership Institute will be in an amount not to exceed $300,000 for the first year and $500,000 per year in the second and third years of the Institute. After the third year, additional diminishing support from AoA will be conditional on successful performance based on participant satisfaction and the ability of the Institute to obtain alternative funds for movement towards eventual self-sufficiency.

AoA funds will support administration of the Executive Leadership Institute on Aging, the cost of conducting the training, and the living expenses of the students. As the Executive Leadership Institute on Aging becomes more established, it is anticipated that the agencies sponsoring the participants will bear a larger portion of the costs.

9.3A Prevention and Treatment of Alcoholism Among Older Indians

According to data published by the Indian Health Service, the rate of alcoholism among older Indians is considerably higher than that of the general population. It is further found that 95% of American Indians and Alaskan Natives are affected either directly or indirectly by a family member's use or abuse of alcohol. The National Center of Health Statistics, DHHS, reports that four of the top ten causes of death among Indians of all ages may be directly related to alcohol abuse. The four causes are accidents, cirrhosis of the liver, suicide, and homicide. It is for these reasons that the HHS Secretary has placed a priority on the prevention and treatment of alcoholism among Indians.

Alcoholism and alcohol abuse among older persons can be prevented and/or treated whether the problem is a new one or has existed for many years. However, in order for prevention, detection, and treatment to be effective, both formal and informal caregivers, especially family members, need to be sensitized to recognize the particular needs and concerns of older persons, which often include loss, grief, failing health and other problems related to growing old.

The purpose of this priority area is to solicit project proposals for Indian reservation-wide projects for education, detection, treatment and prevention of alcoholism and alcohol abuse among older persons with a strong focus on counseling for the alcoholic and his other family provided by older Indians as role models. Projects should emphasize a comprehensive approach to the problem of alcohol abuse among older persons including education for prevention as well as building adequate social infrastructure so that older persons facing personal grief and crisis can have an appropriate outlet. Projects should also focus on assisting older persons, their families and caregivers to recognize when a problem exists and where to go for assistance in addressing the problem. Projects should also focus on utilizing older Indians to assist in being role models and teachers to younger Indians who may either be at risk or already have drinking problems.

A multi-pronged program is proposed. First, projects are solicited which develop and implement public education programs which (1) address concerns which may lead older persons to drinking; (2) suggest alternatives to drinking; and (3) identify where older persons and their families can go for help in dealing with pre, post and alcoholic older persons. Second, projects are being solicited which will establish or reinforce community-based programs for the detection and treatment of alcoholism among older persons. It has been demonstrated that older persons are more receptive to treatment in a familiar setting, such as a senior center nutrition site or locus of other health care, rather than an institution removed from their familiar surroundings. The third emphasis is on training caregivers to recognize symptoms of alcoholism among older persons and deal with older drinkers with compassion and hope.

Eligible applicants are limited to Federally recognized Indian tribes. Applications should demonstrate collaboration with relevant aging, alcohol abuse, and mental health service providers in the conduct of the effort. All applications should clearly define a strategy that will enlist the efforts of these other relevant agencies and organizations including other appropriate public and private entities.

AoA expects to fund up to six projects under this priority area, with a Federal share of up to $75,000 per project, and a project duration of up to 17 months.

9.3B Education for Self Care

The longer a person lives, the greater his or her chance of incurring at least one or more chronic or disabling conditions. In 1980, 10.8 million people over the age of 65 had at least some degree of limitation in daily activity, from mild to severe, due to chronic illness. Future projections indicate that 16.4 million persons age 65 or older are expected to have functional limitations at the turn of the century. This figure will reach 23.3 million by the year 2020 and 31.8 million by the year 2050.

The increase in longevity and the proportionate increase in chronic and disabling conditions places tremendous demands on the health care system. Given the increase in complexity and specialization of the health care system coupled with the increase in health care costs, older persons must make efficient use of available resources in order to prevent or reduce the need for frequent and intensive health care and to be able to obtain the optimum health care when the need arises. One way of doing this is to become better informed about one's illness or disease and to be more knowledgeable about appropriate care. Since many of the chronic conditions from which older persons suffer, such as heart disease, hypertension, and emphysema, are caused by lifestyle habits, such as poor diet, insufficient or inappropriate exercise, and smoking, it is essential for older persons and their caregivers to become partners with health care providers to improve the management of their care. The more a person knows about what kind of care is required for certain types of chronic conditions, the greater the chances

become for a successful partnership with health care professionals.

The purpose of this priority area is to develop model programs that will educate older persons to take a more active role in the management of their health care. Projects should address such topics as how to teach older persons and their caregivers to recognize symptoms and early warnings of impending disease or illness. Information should be made available and accessible for older persons and their families as to where to go for more information, what type of help to seek for a symptom or problem, what to tell the health care professional and what to ask them about their prognosis and care.

Projects should also encourage older persons and their caregivers to recognize the active role that they can play in improving the management of their own illnesses, how to prevent other illness and maintain optimal health. It is critical that older persons and their caregivers be better informed so that when they have interactions with health care professionals they leave with a clear understanding of the role they must play to achieve optimum health status.

Projects may be national or State-wide in scope and should involve close collaboration of the appropriate aging and health care agencies and organizations of professionals and providers. The cooperation of State-wide associations representing health care professionals and providers is critical to the success of these projects and applicants must provide evidence of commitments of cooperation from such organizations. Partnerships with other private and voluntary sector organizations also are strongly encouraged. This priority area supports the Joint National Initiative on Health Promotion for Older Persons of the Administration on Aging (AoA) and the Public Health Service (PHS). State-wide projects should work in conjunction with the existing State Health Promotion Coalition established in connection with the AoA/PHS Health Promotion Initiative for older persons.

AoA expects to fund up to three projects under this priority area, with a Federal share of up to $150,000, and a project duration of up to 17 months.

9.3C Prevention of Fires and Smoke-Related Injuries and Deaths

Statistics show that in 1983, fires, burns, and injuries associated with fires were the fourth leading cause of accidental death among persons over age 65. Furthermore, the percentage of fire deaths continues to increase disproportionately with advancing age. There are a number of reasons why older persons are more susceptible to fire-related deaths and injuries including living in older and frequently substandard and/or poorly wired homes, reduced perception to detect fires and smoke, as well as decreased physical flexibility to escape injury. Furthermore, older persons have a greater likelihood of causing accidents due to physical limitations and forgetfulness.

Smoke inhalation, related asphyxiation and burns are factors which cause injury and deaths from fires. Older persons have far less chance of survival from fire, first because of their inability to move as fast as might be necessary to avoid injury and second, because of the effects of injury to aging bodies. Burns are a serious problems at any age, but in older persons, the ratio of injury to death is much higher than in the younger population due to increased complications and the frequent presence of other medical conditions.

Data from almost every source indicate that fires resulting from cigarette smoking are the most common source of injury and death among all age groups, but especially among older persons. Fires resulting from faulty or inappropriate use of heating and electrical equipment are the second leading cause of fire-related injuries.

The purpose of this priority area is to prevent the death, dysfunction and disability resulting from fires and smoke- related injuries to older persons. Applicants are encouraged to address two facets for improving in-home fire safety for older persons: (1) Public education and (2) advocacy for programs to assist older persons in making necessary modifications to their living environment to minimize the risk of fires.

Community public education efforts should focus on fire prevention for older persons, their families and caregivers. In addition, projects should address the education of fire fighters and other community personnel on how to deal with the special needs of older persons.

Applicants also should address advocacy for and/or implementation of programs to assist older persons who need assistance in modifying their homes to reduce the risks of fire, to detect them more easily in a shorter period of time, and to escape fire.

Projects should develop models of how such programs can be implemented and should build on materials developed previously and supplement these materials, as necessary. Project funds may not be used to purchase equipment to be installed in the home of individual older persons.

Public education campaigns should involve national, State and local fire prevention agencies and organizations, State and local aging agencies and organizations and relevant private and voluntary organizations. Because projects in this area support the Joint Health Promotion Initiative for Older Persons of the Administration on Aging (AoA) and the Public Health Service (PHS), applicants should also work in conjunction with the existing State Health promotion coalitions established in connection with the AoA/PHS national initiative on health promotion for older persons.

Applicants focusing on public education efforts should have at least a Statewide focus. Applicants focusing on advocacy and or implementation are encouraged to take a Statewide approach, but may focus on developing model local programs which can be expanded throughout a State to assist older persons to retrofit their homes.

AoA expects to fund up to three projects under this priority area, with a Federal share of up to $150,000, and a project duration of up to 17 months.

National Resource Centers on Aging

The population of older persons is rapidly expanding in our society. Because of the complex, and often fragmented nature of current service delivery systems and the growing need for professionals, service providers and the public to be better prepared to respond to the needs of older persons, our society is being called upon to develop and/or expand services, coordinate more effectively, and assure the development of trained manpower to implement these initiatives.

The purpose of the priority areas which follow is to support National Resource Centers on Aging which will provide technical information and expertise to states, communities, educational institutions, professionals in the field, and the public which can help them meet the needs of older persons and their families. Centers must be national in scope and address one topical area specified below. Centers are expected to support the State Agencies on Aging as they promote the development of community based systems of services for older persons throughout their State.

Centers will focus their efforts on analyzing and synthesizing available knowledge; putting it in a format which is useful to planners, practitioners, and others; conducting training based upon it; and promoting the dissemination and

utilization of this knowledge in efforts to improve the well-being of older persons.

Types of Activities To Be Undertaken

All Centers, except the Long Term Care Ombudsman National Resource Center under priority area 9.4D, must undertake the following activities on a national scope:

1. Training of staff of State Agencies on Aging and, under the direction of State Agencies, their Area Agencies on Aging on key practical issues within their topical area relating to the development of service systems for older persons through seminars, workshops, conferences, on-site consultation, as well as presentations and forums for the public;

2. Technical assistance to help State Agencies on Aging and their Area Agencies on Aging, under the direction of State Agencies, as well as others to utilize knowledge to implement or expand services and service delivery systems for older persons and their families; and initiate or expand educational programs for professionals in the health and social service fields and other disciplines relevant to services for older persons;

3. Information dissemination initiatives that will result in effectively sharing the latest concepts, methods and findings with State Agencies on Aging and their Area Agencies on Aging, educators, service providers, researchers, and the public; and

4. A limited amount of research and development of a short term nature which is oriented to the development of a practical product such as an analysis of they key issues of concern on a particular subject, a useful instrument or tool, educational, practice and technical assistance materials, or a description of new practice concepts as well as the development of new ones.

Each National Resource Center must undertake all four of these activities within its topical area. Centers should also earmark approximately fifteen per cent of their funding for short term activities to be developed during the course of the Center project period. Center awards are not for the support of long term or basic research projects (although it is expected that Centers will undertake such activities using other sources of support) or preprofessional academic training.

Other features of the National Resource Center Program:

• Applicants selected will be awarded Cooperative Agreements for three year project periods.

• Each applicant for a Center must specify topical sub-areas of specialization in which the Center will focus.

• The Administration on Aging and the Centers will work cooperatively in the development of Center agendas. AoA will share with the Centers information about other Federally supported projects and Federal activities relevant to these topical areas.

• AoA will work with the Centers to develop a system to set priorities for the training and technical assistance provided by the Centers and to insure that requests for training and technical assistance are channeled through the cognizant State Agency on Aging;

• The maximum Federal support per year will be $200,000 for the first year of the project and $400,000 a year for the second and third years. Applications for Center awards must indicate that the applicant understands and accepts this limitation and will seek alternate sources of support for the period beyond this award.

• Several Centers will be funded to address the issues for long-term care, one or more Centers will be funded in the area of special aging populations, and one Center will be awarded in *each* of the following areas: Health promotion and wellness; elder abuse, and long term care ombudsman programs.

• Applications are solicited from institutions of higher education and other organizations which can provide evidence of relevant expertise as well as active and successful programs devoted to the concerns of older persons.

• Substantial institutional commitment, made by the highest levels of the institution, must be clearly evident.

• Each Center must have its own organizational identity within the awardee organization. Evidence must be provided that the Center will have the ability to function in an independent manner.

• The Center shall have a Director with an appropriate background and shall devote, at a minimum, fifty percent of his/her time to this position. Appropriately qualified individuals shall be appointed to the Center faculty.

• Each Center is expected to include within its plan of work a significant number of special activities to address the needs of minority elderly within the Center's topical area.

• Each Center shall have an Advisory Committee which will provide the Director with guidance of Center activities. Members of this committee shall include a predominant representation of Directors of State Agencies on Aging.

• In order to insure that State Agencies on Aging have a full opportunity to exercise leadership roles in assisting their Area Agencies on Aging, contacts with Area Agencies on Aging and public bodies within a State are to be made and responded to only through the cognizant State Agencies on Aging.

The topical areas for which Centers will be funded are outlined in the priority areas which follow.

9.4A Long Term Care National Resource Centers

Several decades of research, program development and educational initiatives in long term care have produced a great deal of information about the characteristics of frail and vulnerable older persons and their family caregivers, their need for services, methods of service provision, the outcomes of care and the various educational programs that prepare professionals to work in this field. What is lacking, however, is a comprehensive and coordinated method of providing easy access to such accumulated knowledge by professionals, educators, service providers and the public.

In order to improve the transfer of knowledge and provide the technical assistance that may be needed to implement such knowledge, the Administration on Aging is interested in establishing several Long Term Care National Resource Centers to assist in the development and expansion of comprehensive and coordinated community-based long term care service systems in this country.

Within the broad area of community-based systems development, each applicant for a Long Term Care National Resource Center shall propose (subject to negotiation with AoA) one or more specific topical area(s) of focus. Examples of such topics include, but are not limited to

• Effective State policies and community level organizational structures for comprehensive and responsive community based service systems which are available and accessible;

• Functional assessment and care planning;

• Linkages between community service agencies and hospitals and residential long-term care facilities to increase the options available for older persons to remain as independent as possible; and

• The development of interdisciplinary teams including both health and social service professionals.

Center applications may also address such issues as the development of services including adult day care,

respite care, and other services to assist family caregivers of older persons with severe impairments, and the identification and treatment of dementias including Alzheimer's Disease.

9.4B Health Promotion and Wellness National Resource Center

Since 1984, the Administration on Aging (AoA) has been working with the U.S. Public Health Service (PHS) on a joint national initiative to develop and expand health promotion and wellness programs for older persons. Launched under an interagency agreement, a key objective of this initiative is to encourage collaboration among State and local health departments, State and Area Agencies on Aging, and voluntary organizations in the development of health promotion for older persons.

To date, the initiative has addressed the areas of nutrition, physical fitness, drug management, injury prevention, smoking cessation, mental health, dental health, prevention of pedestrian and motor vehicle accidents and injuries, and adult immunization. In the coming year, AoA and PHS will continue to emphasize these areas, as well as focus on several new areas. These areas include: alcoholism among older persons; the prevention of smoke and fire related accidents and injuries; consumer education for older patients; and helping older persons to be better managers of their own health care.

A key objective of the Health Promotion and Wellness National Resource Center will be to support the efforts of State Health Promotion Coalitions as they seek to insure that health promotion programs become a permanent part of the programs of health and aging agencies. In support of this objective, the Center is expected to bring together and actively disseminate the findings of the various projects which AoA has supported in this area and to provide technical assistance as needed.

9.4C Elder Abuse National Resource Center

Recognition of elder abuse as a subject for public concern is growing rapidly. Forty-nine States have enacted legislation which addresses elder abuse; but, despite these actions, there is a gap between the state of knowledge about elder abuse and the availability of effective practical methods to intervene, to prevent abuse from occurring, and to provide services to those who have been victimized.

Since 1978, the Administration on Aging has funded a number of research and demonstration projects whose focus has been the problem of elder abuse. A repository of information and knowledge is now needed to consolidate what has been learned and to provide consultation, information, and training to public, professional, and voluntary organizations; and State Agencies and their Area Agencies on Aging, in planning, developing, and implementing elder abuse services and advancing the state of knowledge about elder abuse and neglect. The Administration on Aging plans to establish one (1) Elder Abuse National Resource Center on Aging.

Within the broad area of community-based systems development, and consistent with the four generic responsibilities of all

National Resource Centers on Aging, each applicant is expected to pay particular attention to the following:

- Analysis of effectiveness of various methods for identification, investigation, intervention, and prevention of elder abuse or neglect;
- Causes of elder abuse and neglect; and
- Analysis of effectiveness of various methods of organization, planning, and delivery of services by all levels of government and by the private sector, including the volunteer sector, to combat elder abuse.

9.4D Long Term Care Ombudsman National Resource Center

Currently, there are nearly 3 million persons over the age of 85. This is the fastest growing age group in America today. With improved health care and healthier lifestyles, it is anticipated that the number of old-old will continue to increase significantly. Although most older persons are cared for by family members, nearly one out of five of all persons over 85 reside in long term care facilities. The need for institutional care continues to rise with the increasing numbers of older persons, especially those persons over the age of 85.

Residential long term care facilities (nursing homes) provide care to a heterogeneous group of residents with a wide spectrum of needs. The ongoing concern about the quality of care and the quality of life in these facilities led to the establishment of the Title III Long Term Care Ombudsman program. Although all States have implemented a Statewide program to meet the requirements of the 1978 Amendments to the Older Americans Act, much remains to be done to assure the full development of quality Statewide programs as called for in the 1987 Amendments to the Older Americans Act.

To address this need for continued development, the Administration on Aging will fund one (1) National Resource Center to conduct training and to assist State Agencies on Aging in the further development of their own training programs. This Center will be responsible for nationwide technical assistance and will serve as a resource on ombudsmen concerns for State Agencies on Aging. This Center will have four major functions (which differ from the four functions of other types of National Resource Centers). These functions are:

1. To design and conduct ongoing, short-term training for professional staff working with the ombudsman program at both the State and local level. This training is intended to assist State Agencies in fulfilling their responsibilities to train ombudsman staff. Such training is to focus upon improving the skills and capacities of professional staff who administer statewide and local programs and who are responsible for supervising paraprofessional and volunteer staff.

This training should include:

- An overview of the Older Americans Act;
- Federal requirements for the Ombudsman Program;
- An overview of various State approaches;
- A discussion of the complex issues that affect provision of long term care services;
- Comprehensive community based service systems and the role of the ombudsman in systems building; and
- Methods for improving administration and management of a Statewide program and techniques for improving program effectiveness.

Sessions should also be included for the orientation of new ombudsman professional staff.

2. To provide technical assistance to State Agencies on Aging for the development of curricula and other technical assistance materials which State Agencies may use in training at the State and local levels including volunteers, advisory committees, resident councils or other personnel who relate to ombudsman programs. Assistance should be provided to increase professionalism, to encourage credentialing or certification, or to employ other techniques which will enhance the skills of the ombudsmen as they carry out their responsibilities under State guidelines.

3. To develop materials including "how-to" materials designed to help State Agencies on Aging integrate the ombudsman program into

comprehensive and coordinate systems of services. Other technical assistance materials may be prepared to assist State Agencies in effective communication with nursing home personnel, regulatory officials, and health care professionals, and to increase community involvement and awareness, or other items of use to States in meeting program requirements.

4. To serve as a resource for States by collecting and disseminating state-of-the-art knowledge and providing for the exchange of information about long term care ombudsman programs in other States. This exchange of information should include materials which describe and discuss long term care issues, alternate approaches for meeting Federal requirements, licensing and certification of long term care facilities, working with board and care facilities, legal concerns, residents rights and other related items.

9.4E Special Aging Populations National Resource Center

The 1987 Amendments to the Older Americans Act contain special language to assure preference of service provision to those older persons with the greatest social and economic needs. Those with the greatest social and/or economic needs often are individuals from such special aging populations as ethnic and racial minority groups; the chronically impaired and disabled; older women; and the geographically isolated.

The premise upon which support for this priority area is based is that some older persons, because of their special population status, find it difficult to access benefit and service programs available to the general population of elderly, or otherwise find that such programs and services are unresponsive to their needs. Further, it is felt that information properly packaged and presented can be useful to the policy makers, planners, practitioners and others who are concerned with making programs and services more responsive to the needs of these special populations of elderly.

Numerous research and program development efforts have targeted special aging populations. There is now a need to systematically consolidate that information and knowledge about these special aging populations; to provide consultation, information and training to public, voluntary organizations, State and Area Agencies on Aging, and other agencies or organizations in planning and developing services for special aging populations; and to assure that comprehensive community service systems are responsive to the needs of these special aging groups.

The Administration on Aging plans to establish one (1) or more Special Aging Populations National Resource Centers. It views the creation of these Centers as a way of complementing efforts which have already been undertaken to address the needs of special aging populations. Each applicant must:

- Clearly define the special aging population on which the Center will focus, and describe the current state of knowledge pertaining to that population;
- Delineate the scope, nature, and importance of its social and economic needs;
- Justify that the establishment of the proposed Center will have a significant impact on the needs identified with the special aging population(s);
- Describe how the work of the proposed Center will complement existing efforts to address the social and economic needs of the special aging population(s).

The Center(s) to be funded in this area should have a broad rather than a narrow focus. In the case of racial and ethnic minority aging populations, for example, the Center's sphere of interest should not be limited to any particular minority aging population.

Within the broad area of community based systems development, and consistent with the four generic responsibilities of all National Resource Centers on Aging, each applicant (subject to negotiation with AoA) is expected to pay particular attention to:

- Barriers to service delivery;
- Effective programs and outreach efforts for special aging populations; model development and best practice materials; new strategies for service delivery; continuing education and training programs;
- Public policies with a potentially significant impact on special aging populations; and
- Statistical trends and other changes in characteristics of special aging populations which impact on their future needs for services.

Systems Development

Legal Assistance for Older Persons

The Administration on Aging (AoA) is interested in making discretionary project awards aimed at providing a national system of legal assistance support activities to State Agencies on Aging, and their Area Agencies on Aging, for providing, developing, and supporting legal assistance for older individuals. For several years, AoA has supported the development and strengthening of various elements of such a system. Through these and related efforts, the capability of State and Area Agencies and legal services providers to plan for and provide needed legal assistance has been enhanced.

The Administration on Aging will continue to support both national technical assistance and demonstration projects that contribute to the further systematic expansion, development, and strengthening of the national system of legal assistance support to State Agencies on Aging and their Area Agencies on Aging. For the next two years, AoA will direct its Title IV legal assistance grant resources toward strengthening the State role in the national system and, in particular, the leadership capacity of State Agencies on Aging to:

- Develop responsive State-wide systems of legal assistance;
- Link these systems with the broader array of services and service systems needed to promote the independence and dignity of older persons; and
- Assist Area Agencies on Aging in the integration of legal assistance programs for older people with existing community based service delivery systems.

The priority areas which follow address these concerns.

9.5A1 National Legal Assistance Support System Projects

Section 424 of the Older Americans Act specifies four component activities of a national legal assistance support system. Each activity is a valuable resource for strengthening the leadership roles of State Agencies on Aging in developing systems of legal assistance for older persons. AoA expects that the project(s) funded under this priority area will, either singularly or collectively, encompass at least these four components:

(1) Case Consultations

In addition to providing appropriate case consultation, this component should include such follow-up activities as: documenting the resolution of those cases and issues which have precedent-setting implications, and making that documentation and analysis available to State Agencies on Aging nationwide;

(2) Training

The applicant is expected to propose a strategy for meeting the training and technical assistance needs of legal assistance providers and other appropriate persons, as identified by State Agencies on Aging. That strategy should describe the training and

technical assistance to be provided; the intended target audience; and the materials/curricula which will be utilized and made available to State Agencies for the replication of such training;

(3) Provision of Substantive Legal Advice and Assistance

The applicant is expected to apprise State Agencies on Aging of policy and program developments in substantive areas where legal assistance can facilitate access or assist older persons to maintain their independence. The applicant should analyze the substantive issue area, explain its importance to older persons, and identify a suitable format (policy paper, newsletter, etc.) and dissemination plan. The substantive areas could include, but are not limited to, such important areas as: Medicare and Medicaid; protective services, guardianship and alternatives; health care decision making; legal issues involving housing such as tenants rights, consumer contracts and potential uses of home equity; and

(4) Assistance in the Design, Implementation, and Administration of Legal Assistance, Delivery Systems to Local Providers of Legal Assistance for Older Individuals

The applicant should show how it will assist State Agencies on Aging to work toward the development of a State-wide system for providing legal assistance to older persons. Areas for assistance to State Agencies could include the identification of issues for use in planning, the design of a legal manpower needs assessment and identification of alternative approaches to meeting those needs, the design of strategies for linking with other agencies and organizations, and the design of, and assistance in implementing, strategies for supporting Area Agencies on Aging in their work with local providers.

For each of the activities it proposes to undertake, the applicant should:

- Present the current state of knowledge and experience and document what it perceives to be serious gaps in information and practice;
- Specify the nature and scope of efforts needed to close those gaps, and how those efforts will advance the rights of older persons;
- Indicate its plan for achieving national coverage of the assistance to be provided; and
- Provide detailed descriptions of specific products or outcomes proposed for development or modification.

As provided by section 424(c), eligibility is limited to national, nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to legal assistance programs.

AoA anticipates that a total Federal share of up to $750,000 per year will be available to fund one or more projects in this priority area. The grant award(s) will take the form of a Cooperative Agreement(s). Project period(s) may not exceed 24 months. Approval of a request for continuation beyond the initial 12 month budget period will depend upon a determination of the grantee's performance as satisfactory during the initial budget period. In part, such determination will be based upon assessments of grantee's performance by State Agencies on Aging.

9.5A2 State/Community-Level Demonstration Projects

Proposals are solicited from State Agencies on Aging to assist in the implementation of demonstrations that will facilitate the integration of legal assistance programs for the elderly into their community based comprehensive, coordinated service delivery systems throughout the State. Section 424(a)(2) of the Older Americans Act authorizes demonstration projects to expand or improve the delivery of legal assistance to older individuals with social or economic needs. For the purpose of these demonstrations, AoA is interested in addressing the issues of coordination and targeting.

State-level demonstration projects under this priority area will focus on the three areas identified below. The first two exemplify the potential for advancing the legal status of older persons through State Agency on Aging linkages with, respectively, the court system and consumer protection agencies. The third area underlines the special emphasis which the legislation places on targeting legal assistance to the most vulnerable elderly.

(1) Coordination of Court Actions in Servicing Older Persons

One of the most intimidating events in the life of an older person could be involvement in a court action. Court actions such as guardianship can inhibit an older person's ability to make his or her own decisions; or, an older victim of a crime may need counseling or other supports to assist them through what could be a traumatic judicial process.

Applications should demonstrate approaches for increasing the capacity of the court system to safeguard the legal rights to older persons. Such approaches would include but not be limited to:

- Increasing access to dispute resolution services;
- Promoting the use of least restrictive alternatives in guardianship and protective services cases; and
- Assisting elderly victims of crime to cope with the various steps in the legal process.

(2) State/Area Agency Linkages with Consumer Protection Agencies and Better Business Bureaus

Today, consumer decisions are becoming increasingly more complex. Often, older people become the victims of fraudulent business practices or suffer from the results of uninformed consumer decisions. Areas such as health, home repair and maintenance, mail orders, and financial planning can be particularly distressful for older people.

Applications should demonstrate strategies for combining the resources of State and Area Agencies on Aging with those of Consumer Protection Agencies and Better Business Bureaus to assist older persons in making informed consumer decisions and in gaining access to complaint resolution mechanisms.

(3) Improving the Targeting of Legal Assistance to the Vulnerable Elderly

State and Area Agencies on Aging have the responsibility to target services to vulnerable older persons. This may be accomplished through a number of methodologies, including the service planning and needs assessment processes, types of services to be provided, methods of service delivery, location of services, and outreach strategies. Applications under this area should develop and implement innovative strategies in such areas as those listed below:

- Developing needs assessment methodologies that more adequately identify the legal assistance needs of vulnerable older persons. Concern has been expressed that the traditional method of primarily requesting needs information from vulnerable older people may not adequately reflect the true legal assistance needs of this at risk population. Proposed methodologies could include the identification and/or development of secondary data sources and accompanying methodologies for accessing these data sources, and the development of legal services reporting systems that produce data for future needs assessment processes;
- Developing replicable service delivery strategies designed to provide legal services to the vulnerable in an

easily accessible manner, including at their residences; and

• Developing outreach strategies specifically designed to identify vulnerable older people in need of legal assistance.

Proposals are solicited from State Agencies on Aging. As appropriate, applicants are encouraged to work with Area Agencies on Aging, as well as with national, State, and local legal services and other organizations.

AoA anticipates that a total Federal share of up to $500,000 per year will be available to fund 3–5 projects in this priority area. Project period(s) may not exceed 24 months. Approval of continuation requests beyond the initial 12 month budget period will depend upon a determination of the grantee's performance.

9.5B State Agency on Aging Leadership Roles for Elderly Housing

Housing is a critical issue facing the nation's low to moderate income elderly. States and communities need to develop strategies to respond to the pressing need for adequate, appropriate, and affordable housing facing these groups. The purpose of this priority area is to demonstrate effective models that will assist State Agencies on Aging, and through them Area Agencies on Aging, to exert more effective leadership in the housing area.

Two outcomes are expected from projects in this priority area. One is a demonstration of effective models for leadership by State Agencies on Aging at the state level. State Agencies on Aging can play a leadership role in influencing the variety of State actions that impact the cost, volume and types of elderly housing produced. These actions include legislation, regulations on zoning, site development, building codes, techniques to increase the supply of mortgage funds to make borrowing more affordable and to lower construction costs, establishing linkages with other key State Agencies and organizations such as the State Housing Finance Agency, as well as actions which influence the development of service packages responsive to the needs of older people. State Agencies on Aging would be expected to undertake a variety of actions designed to demonstrate potentially effective leadership roles.

A second expected outcome is the development of effective roles for State Agencies on Aging in working with their Area Agencies on Aging to assist them in the development of comprehensive community based housing plans in several communities across the State. In addition to the state level activities described above, State Agencies on Aging would be responsible for providing project funds, training and technical assistance to their participating Area Agencies on Aging.

The Area Agencies on Aging would be expected to work with community housing networks, local officials, homebuilders associations, local lenders, aging organizations and other interested groups to develop and implement comprehensive community based housing plans. These plans would build upon existing assessments of elderly housing needs and incorporate appropriate solutions to the identified housing needs of low and moderate income older persons. The implementation of specific solutions to problems would be based on community preferences and priorities for employing a combination of such options as adaptive reuse; shared housing; housing counseling; developing a home equity conversion program; establishing a housing trust fund, etc. There currently exists a large body of resource materials and models for assessing elderly housing conditions, and for developing alternative housing options, that can be used to support State and local efforts to develop a comprehensive elderly housing system. Successful applicants may wish to utilize these materials, many of which were developed with AoA support.

Only State Agencies on Aging are eligible to apply under this priority area. Applications must list the Area Agencies on Aging which will participate in the project and include letters of commitment from those agencies. The participating communities must also be identified along with, to the extent possible, letters of commitment from local groups and organizations that will participate with the Area Agencies on Aging. Applications will be judged in part on the comprehensiveness of the project. It is expected that three to five projects will be funded for up to two years with a maximum annual Federal share of $200,000 per project per year.

9.5C Quality Assurance

The increase in the elderly population has brought about growth in the number and types of entities providing support services to the elderly. This increase in kinds of agencies providing different types of services has raised concern about the quality of care and safety of older persons.

Quality assurance for in-home supportive services involves many complex issues. States have considerable flexibility in determining which services are to be made available; how services delivery should be organized; to whom services should be provided; and how quality should be maintained. Given the wide range of in-home supportive services—from home-delivered meals to personal care—and the variation in the availability, organization and delivery of services, the States and communities are the most appropriate levels for setting regulatory standards, licensing providers, and monitoring performance.

In view of the increasing public concern about the quality of in-home services, and because of the proliferation of in-home service providers to meet growing demands, under this priority area proposals are invited to:

Develop new models of quality assurance systems for in-home supportive services which are suitable for statewide implementation. Such systems may include such elements as:

• Recruitment and selection standards;

• Innovative approaches to training and accreditation;

• Establishment of, or changes in, licensure and regulatory requirements;

• Innovative monitoring techniques which focus on the quality of services delivered;

• Linkages to relevant agencies who share concerns in this area; and

• Creative approaches to addressing the problem of providers whose services are sub-standard.

The development of such models should be based on an analysis that encompasses existing strategies employed by States to influence the quality of in-home services, the results of pertinent AoA and other agency-supported R&D projects, and the quality assurance approaches utilized in the private and voluntary sectors.

Projects funded under this priority area must also include major nationwide efforts to disseminate their results to State and Area Agencies on Aging and other public and private agencies with relevant concerns.

Applicants are restricted to State Agencies on Aging which, where and when appropriate, may propose to carry out the project in cooperation with their Area Agencies on Aging. AoA expects to fund up to ten projects, with a Federal share of up to $150,000 per project per year, and a project duration of up to two years. To demonstrate their interest in and commitment to this effort, applicants are urged to propose sharing a proportion of total project costs significantly greater than the standard 25%.

Unique Cross-Program Priority Areas

10.1 Training Caregiving Families and Providing Practical Support

Family members—wives and husbands, daughters and sons, friends and neighbors—provide the great majority of help needed by individuals to continue living in their own homes and communities. However the ability of family members to continue to be caregivers is being challenged: women, the traditional caregivers, are now working outside of the home; and the number of people who need some assistance is growing.

The U.S. population as a whole is aging. With age comes an increased risk of illness and impairment. The number of people who experience chronic health problems and functional impairments is growing.

The number of developmentally disabled infants is increasing, largely as a result of the use of drugs and alcohol among pregnant teenage women. Greater numbers of persons with developmental disabilities are remaining in their own homes and communities. The rate of child abuse and neglect continues to increase.

In addition to the growing numbers of people who need help with daily activities, the following social trends are having an impact upon the availability of caregivers and upon the caregiver's ability to provide needed services:

- Geographic mobility of the United States population is creating numerous long distance families;
- Increasing divorce rate is creating fragmented and redefined families;
- Increasing number of women in the workforce is forcing a redefinition of the caregiver role;
- Changing characteristics of the older population are requiring caregivers to possess new coping skills; and
- Size of families is decreasing, thereby decreasing the pool of caregivers.

Family members are the primary care providers for all populations who require some help. Families want to care for their impaired relatives. And people who need care prefer to be cared for by family members because they can handle crises and reach quick decisions when necessary. Equally important, a family relationship is a reciprocal one—so the person in need of care does not feel totally dependent. They return love and support in a family relationship.

The informal caregiving network provides a range of personal, household and nursing care services. Included in the services provided are food preparation, feeding, laundry, dressing, bathing, shopping, transportation, chores, home maintenance and financial management. In certain cases, caregivers also change dressings and bed linens, as well as dispense medications.

In response to the problems faced by caregivers, the Department of Health and Human Services has launched a national initiative which focuses on: (1) Preventing inappropriate institutionalization of a family member; (2) preventing unnecessary hospitalization and reducing the length of stay for a family member; and (3) continuing the caregiver's employment.

A conference of researchers, practitioners and policymakers sponsored by the Department of Health and Human Services in June, 1986, and a review of the literature on family caregiving suggests that the most basic caregiver needs are to become educated about the problems that they and their family members are experiencing, to learn how to provide care, and to receive supportive services which permit them to maintain their own health and allow them to continue to be employed. Current trends raise provocative questions about the capacity of informal caregivers to continue providing the bulk of long term care. What are the best practices that delay or prevent more costly caregiving alternatives? What training and preventive mechanisms are available to strengthen the caregiving support systems and reduce institutionalization or lengthy hospitalization?

To obtain a more detailed description of The Family Caregiving Initiative and individual grant abstracts for the 60 projects included under the Initiative, write to: Office of Public Affairs, HDS, Department of Health and Human Services, 200 Independence Avenue, SW., Room 329–D, Washington, DC 20201.

HDS is interested in funding demonstrations which develop and test curriculum/continuing education materials for professionals, paraprofessionals and volunteers who are working with caregiving families. These curricula/materials would provide instruction on how to train family caregivers and the types of training they need (e.g., generic training on coping with physical and emotional demands; specific training on how to provide care based on the type of client, illness/impairment such as stroke, alzheimers, etc.). Specific training and reference materials would also be developed and tested for the family caregivers.

The demonstration should include an assessment component that determines the effectiveness of the training and reference materials.

HDS intends to fund projects in this priority area for a Federal contribution not to exceed $100,000 per year per project for a total of 24 months. AoA does not intend to fund any projects under this priority area.

10.2 Training and Technical Assistance for Family Violence Prevention and Treatment Programs

Programs to prevent and treat family violence have been established in all States, typically by local public and non profit private organizations (including religious, charitable, and voluntary associations). These programs provide emergency shelter and related assistance to victims of family violence and their dependents in safe houses or shelters. Adjunct services and treatment programs may also be available in the community. These services include counseling and self help services to victims, dependents, and abusers, and health care services, such as, drug and alcohol abuse treatment.

Section 305(b)(3) of the Family Violence Prevention and Services Act requires that the Department provide training and technical assistance in the conduct of programs for the prevention and treatment of family violence.

Applications from State coalitions or Councils of State Directors of Family Violence Programs are solicited to provide training and/or technical assistance in one or multiple HHS regions, on a multi-State basis. The proposed project should be in response to the identified priority needs of such State coordinating councils or coalitions. Activities funded under the grant may include training and training protocols for use at the local level; and such technical assistance as the exchange of information on model programs, management and operational techniques, community relations, fund raising, and specialized services.

All applicants must show evidence that the proposed project responds to the identified training and technical assistance needs of the relevant State Coalitions or Councils of Family Violence Shelter Directors. If possible, directors of family violence prevention and services programs in Indian Tribes should also be included. A list of Indian Tribes funded under the Act is available by calling (202) 245–2892.

Projects should, to the extent possible, utilize the considerable expertise currently available in State and local programs and in national organizations established to support family violence prevention and services activities. The

methodology for accomplishing the training and technical assistance may include the combined use of workshops, the distribution of informational materials, and teleconferencing.

In addition to the provision of training and technical assistance, an expected outcome of the funded projects is the establishment of an on-going process of coordination and peer assistance that will continue after the conclusion of the grant.

HDS plans to fund no more than five projects in this priority area with Federal funding of between $10,000-$15,000 for each project. The Federal funding will be for a maximum of 12 months. AoA does not intend to fund any projects under this priority area.

10.3 Transfer of International Innovations

While this country is a natural field for research and demonstration in the area of social services, there is considerable insight which may be gained from other countries. Knowledge of social services in other countries, their programs, authorizations and governance, delivery systems, and innovations can be of benefit to U.S. domestic programs. HDS seeks proposals which address the transfer of innovations from other countries.

The following factors should be considered in proposing the transfer of innovations from another country:

- Promise of contributing significantly to the achievement of one or more of the major HDS goals cited in the Preamble to this Announcement and be of benefit to one or more of the HDS target groups, which include Native Americans, the socially and economically needy, the elderly, the developmentally disabled and at-risk children, youth, and families.
- Be relevant to domestic research with the possibility of complementing ongoing or new U.S. projects.
- Relate to the U.S. commitment to its participation in international organizations, both governmental and nongovernmental, and to United Nations-sponsored events, such as International Youth Year-1985; follow-up to the World Assembly on Aging; and the United Nations Decade of Disabled Persons.

Examples of areas which HDS will consider are: access to services by the handicapped; children and youth at-risk; community and in-home services for functionally impaired populations; projects which strengthen community and family-based systems of services for older persons and other vulnerable populations; innovative housing arrangements for the aged; intergenerational linkages; programs designed to reduce dependency, including work-related day care; self-help; strategies for strengthening families; social indicators; and social service coordination and management systems.

Applicants in other countries are eligible to apply to this priority area. The primary focus, however, cannot be exclusively in another country; it must be either in the United States or shared. The proposal must include an American component and American co-project director.

Neither Federal funds nor the non-Federal match or cost-sharing can be used for expenditures related to international travel. However, applicants may use other sources of funds available to them for this purpose.

There are no eligibility restrictions for applications in this priority area. However, HDS is interested in supporting innovative models and is not interested in funding ongoing direct service projects which have been imported to the U.S. or exported to another country. AoA does not intend to fund any projects under this priority area.

Besides the CDP, the following are bilateral mechanisms also available to support cooperative activities in HDS-related areas:

- The U.S.-India Joint Fund for Scientific, Educational, and Cultural Cooperation supports cooperative efforts between organizations in India and the United States.
- The U.S.-Yugoslav Joint Board on Scientific and Technological Cooperation supports cooperative efforts between organizations in Yugoslavia and the United States.

Full information regarding these bilateral programs may be obtained by contacting the Science Attaches in the American Embassies in New Delhi and Belgrade and/or Stanley N. Bendet, HDS Special Assistant for International Affairs (202/245-6233).

10.4 Increasing Minority Organizations' Participation in HDS Programs

HDS is interested in increasing the participation of minority organizations and institutions in its grants programs, specifically the CDP. HDS has been concerned about the small number of applications received from minority organizations and institutions, specifically the small number of applications from the Historically Black Colleges and Universities (HBCUs).

In order to address this concern, applications are solicited from minority institutions of higher education and other appropriate nonprofit minority organizations to develop materials and conduct a series of training seminars intended to provide information on the availability of HDS grants and contracting opportunities. The seminars will provide an interactive learning process intended to strengthen and increase the abilities of minority institutions and organizations to participate in HDS sponsored programs. The interactive learning process also will serve to identify creative and constructive ways to strengthen and expand the relationships between HDS sponsored programs and these institutions and organizations.

The services the grantee would provide are to be specifically focused on the HDS CDP grant programs, the specific priority areas under which we solicit applications, and the techniques proven successful in preparing applications which resulted in grant awards.

The grantee would be expected to develop, distribute and maintain a compilation of instructional materials, guides, video-tapes and other educational tools for further re-distribution, follow-up workshops and ongoing skills development in the grantsmanship area.

The seminars should provide potential CDP applicants and contract offerors with the information and training necessary for them to successfully compete for awards. The grantee should provide information on the full range of activities involved in getting an award, from initiating the research for grant and contract proposals to negotiating the final award. Some workshops should include developing a proposal for submittal to HDS as an exercise. The materials prepared for the seminar should be in an easy to use format so that individuals unable to attend the seminars could use them independently at a later date.

Applicants should be familiar with the CDP and other HDS grant programs. Applicants should present evidence of their institutional or organizational success in acquiring discretionary project or demonstration funds through a competitive process.

Applicants should identify which minority institutions or organizations are willing to collaborate in this activity and to what extent. Letters of commitment should be included with the application.

Finally, in order to avoid duplication of effort and maximize all available public and private resources, the grantee must identify, list and make a summary assessment of all similar technical assistance available from public and

nonprofit private sources. This information will assist HDS in planning the scope and focus of future technical assistance efforts.

HDS will fund several projects at a level not to exceed $100,000 in Federal funds each year for a period of 24 months. AoA does not intend to fund any projects under this priority area.

10.5 Human Services Management Improvement through Information Technology, Data Application, and Evaluation

In past years, HDS has funded a variety of successful grants in the areas of data, evaluation, and systems. HDS is still interested in these three topical areas; however, this year HDS would like to stress the interrelationship of these areas with improved management of human services programs. For instance, evaluations of human services programs require both availability and accessibility of data, as well as often requiring computer systems to collect and analyze data. Further, many efforts involving data analysis, evaluation, and systems are often done without regard as to how management will use the results to improve either service delivery efficiency and effectiveness or to improve overall management of the organization. Therefore, this priority area stresses the relationships of information systems, data analysis, and evaluation as parts of the overall management process.

It is expected that the primary beneficiaries of the recommendations from the grant to be funded under this priority area will be managers of State and local service delivery organizations. Methodologies should focus on the use of small-scale technology and other "off-the-shelf" tools as a means of providing ease of transferability to other organizations.

Applications will be considered only for HDS-related programs and are solicited from States, tribal organizations, local delivery organizations, national organizations, and universities. While a grant may be made to single organization, preference may also be given to consortia and applications providing for multi-organization advisory groups.

HDS has sponsored numerous projects which have resulted in the establishment of data collection efforts outside the Federal government and of certain data analysis routines and applications. Moreover, HDS has broadened its attention from assisting the development of new data bases to include making better use of existing data. Some of these efforts have involved the identification of existing data; other efforts have involved the application of existing data.

With the passage of the Omnibus Budget Reconciliation Act of 1981, there has been an increased emphasis on the planning and management of service programs at the State and local levels. HDS has accordingly adjusted its role to continue its support of management decision-making at the State and local levels through the development and analysis of better data and decision-making aids. HDS intends to support these efforts by encouraging the further development and broader application of innovative data analysis techniques which have recently been designed, and are still emerging.

HDS recognizes that some State human service agencies have made important progress in using data to manage human services programs. HDS will consider applications which:

1. Synthesize proven analysis applications and techniques for human services programs; and

2. Further develop innovative data analysis techniques, including the application of management science techniques to existing HDS and external data sources.

HDS wishes to support additional analytical activities of primary and secondary data collected by national organizations as well as program data available within HDS, particularly those data sources which address critical policy issues that cross-cut social services and welfare reform areas. In particular, HDS will consider supporting a project aimed at translating the results of analytical activities into specific strategies for improving intervention policies and practices in State and local agencies.

It is imperative that State and local executives structure the programs within their domains in a manner which provides for clear delineation of: expected outcomes or results; collection of information on program performance; utilization of performance data as a tool for improving program performance; and communication to policymakers and the tax-paying public on the results of programs paid for by tax dollars. Public executives can improve both management of their programs as well as their public image by adopting accountability approaches.

HDS seeks demonstrations of the application of results-oriented management approaches by State and local government as well as by private nonprofit human service agencies. These demonstrations should go beyond the establishment of results-oriented management systems and provide for the evidence of the impact of such systems on program management, client outcomes, and public confidence.

HDS will fund one project at a level not to exceed $100,000 in Federal funds for a period of 17 months. AoA does not intend to fund any projects under this priority area.

Part III—Application Process

This part provides necessary background information for potential applicants. The specific information to be used in developing an application is contained in Part IV. This information does not apply to comments to be submitted in response to the Administration on Developmental Disabilities (ADD) notice of proposed priorities for Projects of National Significance.

A. Eligible Applicants

In general, any State, public or private nonprofit organization, institution or ageney may submit an application under this announcement. Individuals are not eligible to apply.

Some priority areas or topics included in this announcement may have restrictive eligibility requirements. Where limitations exist, the eligible entities are identified in the priority area description. Applications from organizations that do not meet the eligibility restrictions in the priority area description will not be reviewed.

We encourage applications that are developed jointly by State, local and community-based social services agencies, foundations or universities, since this helps to coordinate local resources. For these applications, a lead organization must be identified, and that organization must be an eligible applicant.

For-profit organizations may be eligible for certain projects funded under the authority of the Head Start Act, Native American Programs Act, Runaway and Homeless Youth Act, section 1110 of the Social Security Act and, in limited cases, the Older Americans Act. For-profit organizations may also participate as contractors under grants to eligible applicants on all projects.

Except in those priority areas that are open to both nonprofit and for-profit organizations, any applicant applying as a nonprofit organization must submit proof of its nonprofit status. This can be done by either making reference to its listing in the Internal Revenue Service's most recent list of tax-exempt organizations or submitting a copy of its letter from IRS (IRS Code section 501 (c)(3)). HDS cannot fund a nonprofit

applicant without acceptable proof of its status.

B. Available Funds

The availability of funds for FY 1988 and FY 1989 is dependent on passage of appropriations by the Congress. Based on the level of funding for FY 1987, HDS expects to award new grants and cooperative agreements during the third and fourth quarters of FY 1988. Subject to Congressional action on the FY 1988 budget, HDS may also award a number of grants under this announcement in the first and second quarters of FY 1989. Appropriate HDS discretionary funding authorities will be used to fund projects, and more than one authority may be used to fund some projects.

Applicants should be aware that HDS receives 2,000 to 3,000 applications annually to its Coordinated Discretionary Funds Program. HDS expects to make approximately 350 new awards pursuant to this announcement. The Federal share of these projects ranges from $25,000 to a maximum of $250,000 per budget period (except where noted in the priority area descriptions), with an average award of $125,000. Actual awards may vary widely and eligible applicants requesting smaller awards (or awards for projects of less than 12 months duration) are encouraged to apply.

C. Grantee Share of the Project

Under the Coordinated Discretionary Funds Program, HDS does not make grant awards for the entire project cost (with the exceptions described below). Successful applicants must contribute $1, secured from non-Federal sources, for every $3 received in Federal funding up to the limits specified in the priority area description in this announcement. This grantee share amounts to 25% of the entire project cost.

The first exception relates to Tribal organizations or projects funded under the Native Americans Act, where the grantee match must be 20% of the total cost of the proposed project ($1 match for every $4 requested from HDS). Tribal organizations, however, may include in their applications a request to the Administration for Native Americans for a waiver of the non-Federal cost-sharing requirement for the project. Such requests will be dealt with on a case-by-case basis according to applicable laws and regulations.

The second exception relates to applications originating from American Samoa, Guam, the Virgin Islands or the Northern Mariana Islands. Applicants from these territories are covered by section 510(d) of Pub. L. 95–134, which requires the Department to waive "any requirement for local matching funds under $200,000" for these territories.

The third exception is in the case of research projects, where the non-Federal share must comprise at least 5 percent of the total project cost.

The final exception relates to projects funded under the child welfare training priority areas. Under priority area 6.1 and traineeships under priority area 6.4, no match or cost-sharing is required.

The non-Federal share of total project costs for each budget period may be in the form of grantee-incurred costs and/or third party in-kind contributions. HDS strongly encourages applicants to propose a grantee share which is more than 25% of the project costs. HDS also encourages applications where the matching requirement will be met in cash (as opposed to in-kind contributions) from non-Federal funding sources.

If the required non-Federal share is not met by a grantee for each budget period during the project period, HDS will disallow any unmatched Federal dollars. The amount of non-Federal share required will be the amount proposed by the applicant. If the proposed share exceeds 25%, the applicant will be required to provide the additional cost-sharing or matching. Therefore, applicants should be sure of any amount proposed as match before including these funds in their budgets.

D. Application Consideration

Applications that conform to the requirements of this program announcement will be reviewed and scored competitively against the evaluation criteria specified in Part III.H.2 of this announcement by non-Federal experts in the field. In addition, applications will be evaluated by Federal officials and qualified persons from outside of the Federal government. The results of this review are a primary factor considered in making the decisions about an application. Applications which do not meet the screening criteria listed in Part III.H.1 will not be reviewed and will receive no further consideration for funding.

HDS also solicits comments from other Federal Departments, from Federal and Regional Office staff, from interested foundations, national organizations, specialists, experts, States and the general public. These comments, along with such other factors as the geographic distribution of funding and the compatibility of applications with HDS priorities, will be considered by the Assistant Secretary for Human Development Services and HDS Senior Staff in making funding decisions.

E. Consideration for Funding

Within the limits of available Federal funds, HDS makes financial assistance awards consistent with the purposes of the statutory authorities governing the HDS Coordinated Discretionary Funds Program and this announcement. In making these decisions, preference will be given to applications which focus on or feature: minority populations; a substantial innovation that has the potential to improve theory or practice in the field of human services; a model practice or set of procedures that hold the potential for dissemination to, and utilization by, organizations involved in the administration or delivery of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the possibility of a large degree of benefit for a small Federal investment; a programmatic focus on those most in need; and substantial involvement in the proposed project by national or community foundations.

To the extent possible, final decisions will reflect the equitable distribution of assistance among the States, geographical areas of the nation, rural and urban areas, and ethnic populations. HDS Senior Staff also take into account the need to avoid wasteful duplication of effort in making funding decisions.

HDS reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant.

The Older Americans Act places certain responsibilities upon, and authority in, the Commissioner on Aging which affects the role of the Administration on Aging in implementing this program announcement. All such requirements will be met through actions which conform to the mandates of the Act. Only the Commissioner on Aging has the authority to approve applications for funding under Title IV of the Older Americans Act.

F. Funding Limitations on Indirect Costs

Applicants should be aware that for training projects to institutions of higher education, hospitals, and other nonprofit institutions, there is a limitation on Federal reimbursement of indirect costs to eight percent of the total allowable direct costs or, where a current agreement exists, the organization's

negotiated indirect cost rate, whichever is lower. For all other applicants, indirect costs may be requested only if the applicant has a negotiated indirect cost rate with the Department's Division of Cost Allocation or with another Federal agency. Local government agencies (other than local education agencies) are not required to submit their indirect cost proposals unless requested by HDS.

G. Budget Expressed in Total Project Costs (Federal Plus Non-Federal)

We will continue the practice begun last year of expressing the project budget as total costs (Federal plus non-Federal). Last year, applicants had trouble distinguishing between cash match where a cost to the grantee for the project is paid from non-Federal sources (either the grantee or a third party) and in-kind, by which is meant strictly a valuation with no cost to the grantee, e.g., volunteers, donated services, donated space.

Cash match is included in the direct and indirect cost budget included in Section III.B of the SF 424. In-kind contributions are listed separately but are part of the total budget. Total direct costs (Federal plus non-Federal) plus indirect costs (Federal plus non-Federal) plus in-kind contributions equal the total approved budget.

H. Criteria for Screening and Review

All applications that meet the deadline will be screened to determine completeness and conformity to the requirements of this announcement. Complete, conforming applications will then be reviewed and scored competitively. Nonconforming applications will *not* be reviewed, and the applicants will be so informed.

1. Screening Requirements

In order for an application to be complete and in conformance, it must meet the following requirements:

(a) *Preparation of copies:* An original signed application, with the original signature appearing on SF 424, Item #23, and two copies must be submitted. The application includes the required sections of the SF 424, and the narrative description of the proposed project. A copy of SF 424 may be found at the end of this announcement.

(b) *Length:* The narrative portion of the application must meet minimum and maximum length requirements. It must be at least six double-spaced pages (or three single-spaced pages) but *must not exceed twenty double-spaced pages* (or ten single-spaced pages) typewritten on one side of the paper. The capability statement must not exceed two double-spaced or one single-spaced typewritten page.

(c) *Deadline:* Applications must be postmarked by 12:00 midnight on March 18, 1988 or if hand-delivered must be delivered to Room 724–F, HHH Building, 200 Independence Avenue, SW by 5:30 p.m. See Part III.I for additional guidance on the application deadline.

(d) *Priority Area:* The priority area(s) under which the application is being submitted must be indicated at the top of the first page of the SF 424.

(e) *Priority area eligibility requirements:* Applications must meet any eligibility requirements specific to the priority areas under which they are being submitted (e.g., eligible organization, funding limit, duration of project).

Applications which do not meet these screening requirements will not be referred to reviewers.

2. Evaluation Criteria

Applications which pass the screening will be reviewed by a panel of at least three individuals. These reviewers will be primarily experts from outside the Federal government. Reviewers will comment on and score the applications, basing their comments and scoring decisions on the criteria below. The only exception to the use of these criteria will be the evaluation of applications submitted under priority areas 4.8, 4.12, 6.1, 6.2, 6.4 and 7.3. Applications under these six priority areas will be evaluated using only four criteria since the dissemination and utilization criterion has been eliminated for these priority areas. The 15 points for the dissemination and utilization criterion have been redistributed among the other criteria as explained in the descriptions for each of these six priority areas.

(a) *Need for the Project (Objectives) 20 points.* State the specific objectives and needs addressed by the project in terms of its national or regional significance, its theoretical importance and its applicability to practices and subordinate objectives of the project. Provide a detailed discussion of the "state-of-the-art" relative to the problem or area addressed by the proposal and indicate how the proposed effort will impact on it. For research projects, state the hypothesis(es) to be tested or the specific questions to be answered. For demonstration, training, technical assistance, and evaluation projects, state the goals or service objectives of the proposal. Provide supporting documentation or other testimonies from concerned interests other than the applicant. Summarize, evaluate and relate relevant data, based on planning or demonstration studies, to the proposed project.

Give a precise location of the project or area to be served by the proposed project.

(b) *Project Methodology (Project Implementation Plan): 30 points—Tasks to be performed.* Describe in detail the tasks to be performed including the events, activities and expected products. Identify the key staff member that will be the lead person. Relate each task to each of the objectives. Provide a chart indicating the timetable for completing each task, the lead person and the time committed.

Approach. Explain, in detail, the approach to be used for accomplishing each task and how this approach will accomplish the project objectives as well as how these objectives will solve the problem(s). Also, fully describe the research methodology, demonstration plan, design of training program or other appropriate techniques to be used.

(c) *Expected Outcomes: 15 points.* Identify, in specific terms, the results and benefits—for target groups and human service programs—to be derived from implementing the proposed project. Describe how the expected results and benefits will relate to previous research and/or demonstration efforts. Also describe in specific terms the anticipated contribution that this project will make to policy, practice, theory and/or future research.

Describe in detail evaluation plans and procedures which are capable of measuring the degree to which the project objectives have been accomplished. Provide an explanation on why these evaluation techniques will be used.

(d) *Dissemination and Utilization: 15 points.* Describe in detail the product(s) resulting from the proposed project that will be disseminated. Also describe the steps to be taken to disseminate and promote the utilization of these products and findings. State what resources will be used to disseminate these products and findings. Finally, explain why these steps are expected to be successful in disseminating the products and findings. The specific audiences to whom the products and findings will be disseminated must be specified as well as the reason why these audiences will benefit from these results. State in detail the steps to be taken to have the products and findings adopted by these audiences.

(e) *Level of Effort: 20 points—Staffing pattern.* Describe the staffing pattern for the proposed project, clearly linking responsibilities to project tasks and

specifying the contributions to be made by key staff.

Competence of Staff. List the qualifications of the project team including any experiences working on similar projects. Also list the variety of skills to be used, relevant research experience, educational background and the demonstrated ability to produce final results that are readily comprehensible and usable.

Adequacy of Resources. Specify the adequacy of the available facilities, resources and organizational experience with regard to the tasks of the proposed project.

List the financial, physical and other resources to be provided by other profit and nonprofit organizations. Explain how these organizations will participate in the day to day operations of the project. Also explain the available resources or commitments for the continuation of the project after the federal funding period terminates or the demonstration is concluded.

Budget. Relate the proposed budget to the level of effort required to attain project objectives and provide a cost/benefit analysis. Demonstrate that the project's costs are reasonable in view of the anticipated results.

Collaborative Efforts. Discuss in detail and provide documentation for any collaborative and coordinated efforts with other agencies or organizations. Identify these agencies or organizations and explain how these will enhance the project. Letters of commitment must be included with the application. Also explain in detail the coordination efforts to bring community agencies to work together in support of the proposed project.

Authorship. The authors of the application must be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the application is funded.

These evaluation criteria correspond to the outline for the narrative section of the application and the descriptions of the five criteria above should be used as headings in developing the program narrative.

I. Closing Date for Receipt of Applications

The closing date for submittal of applications under this program announcement is March 18, 1988. Applications must be mailed or hand-delivered to: HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201, Attention HDS–88–2, Priority Area:——

Hand-delivered applications are accepted during the normal working hours of 9:00 a.m. to 5:30 p.m., Monday through Friday. An application will be considered as meeting the deadline if it is either:

1. Received on or before the deadline date at the above address; or

2. Sent on or before the deadline date and received in time to be considered during the competitive review and evaluation process. Applicants are encouraged to obtain a legibly dated receipt from a commercial carrier or from the U.S. Postal Service. Applicants will be asked to provide proof of mailing by the deadline date, if there is a question as to receipt of the application. Private metered postmarks are not acceptable as proof of timely mailing.

Applications which do not meet the above criteria are considered late applications. HDS will notify each late applicant that its application will not be considered in the current competition.

HDS may extend the deadline for all applicants because of acts of God, such as floods, hurricanes or earthquakes, when there is widespread disruption of the mail or when HDS determines an extension to be in the best interest of the government. However, if HDS does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant(s).

Part IV—Instructions for Completing Applications

This part provides guidance on how to prepare and submit an application in response to this announcement. This information does not apply to comments to be submitted in response to the Administration on Developmental Disabilities (ADD) notice of proposed priorities for Projects of National Significance.

A. Application Process

1. Availability of Forms

All instructions and forms required for submittal of applications are provided at the end of this announcement. No additional forms are available. A copy of this announcement may be obtained by writing or telephoning: HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201, Attention: HDS–88–2, Telephone: (202) 755–4633.

In order to assure 24-hour coverage, this number may be answered by an answering machine during some time periods.

2. Application Submission

One signed original and two copies of the application must be submitted to:

Department of Health and Human Services, HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201, Attention HDS–88–2, Priority Area:——

3. Notification Under Executive Order 12372

This program is covered under Executive Order 12372 "Intergovernmental Review of Federal Programs" and 45 CFR Part 100 "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. All States and territories except Alaska, Idaho, Nebraska, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these five areas need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Applicants should contact their SPOCs as soon as possible to alert them to the prospective application and to receive any necessary instructions.

Applicants must submit any required material as early as possible so the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF 424, item 22a. SPOCs will be notified of any applicant not indicating SPOC contact on the application, when SPOC contact is required. SPOCs have sixty (60) days starting from the application deadline to comment on applications for financial assistance under this program. Comments are, therefore, due no later than May 18, 1988.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested clearly to differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule. It is helpful in tracking SPOC comments if the SPOC will clearly

indicate the applicant organization as it appears on the application SF 424.

When comments are submitted directly to HDS, they should be addressed to:

Department of Health and Human Services, HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201, Attention: HDS–88–2, Priority Area:——

A list of the State Single Points of Contact is included at the end of this announcement.

B. Application Package

In order to expedite the processing of applications, we request that you *adhere to the following instructions exactly.* Each application package must include:

1. A copy of the *Checklist of Application Requirements* (found in Part IV.E) with all the completed items checked.

2. An original and two copies of the application (see Part IV.D below). Each copy should be stapled securely (front and back if necessary) in the upper left corner. Pages of the narrative should be sequentially numbered beginning with "Need for Project" as page one. The original copy of the application must have an original signature in item 23 on page 1 of the SF 424. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments; such as, agency promotion brochures, slides, tapes, film clips, vitae, minutes of meetings, survey instruments or articles of incorporation. It is not feasible to use such items in the review process, and they will be discarded if included.

Do not include a self-addressed, stamped acknowledgment card. All applicants will be automatically notified of receipt and of the four digit identification number assigned to their application. This number and the priority area must be referred to in *all* subsequent communication with HDS concerning the application. If acknowledgment is not received within eight weeks after the deadline date, please notify HDS by telephone at (202) 755–4633. After an identification number is assigned and the applicant has been notified of the number, applications are filed numerically by identification number to aid in quick retrieval. It will not be possible for HDS staff to provide a timely response to inquiries about a specific application unless the identification number and the priority area are given.

Applicants should be advised that HDS staff cannot release pre-decisional information relative to an application other than that it has been received and that it is going through the review process. Unnecessary inquiries delay the award process. Once a decision is reached, the applicant will be notified as soon as possible of the acceptance or rejection of the application.

C. Content of Application

Each copy of the application *must* contain an SF 424, completed and assembled in accordance with the following instructions:

1. Page 1, the cover page of the application;

2. Part II, Project Approval Information;

3. Part III, Budget Information: Section A (Budget Summary); Section B (Budget Categories); and Section E (Budget Estimates of Federal Funds Needed for Balance of the Project);

4. Summary description with listing of key words;

5. Part IV, Program Narrative, which should be at least six double-spaced (or three single-spaced) pages but must not exceed twenty double-spaced (or ten single-spaced) pages, typewritten on one side of the paper. The narrative should be organized with sections addressing the following five areas: (a) Need for the project, (b) project methodology, (c) expected outcomes, (d) dissemination and utilization and (e) level of effort;

6. An organizational capability statement, no more than two double-spaced (or one single-spaced) typewritten pages;

7. Part V, Assurances; and,

8. Letters which show collaboration or substantive commitment to the project by organizations other than the applicant organization are not part of the narrative and, therefore, are not counted against the twenty page limit for the narrative. However, they may not exceed a total of ten (10) additional pages. Include letters when required in the priority area description or when other organizations are crucial to the project and will provide tangible resources such as staff, equipment, space or funds.

D. Preparing the Application

The SF 424 has been reprinted for your convenience. We suggest that you reproduce it and type your application on the copy. Prepare your application in accordance with the following instructions:

1. *SF 424, Page 1:* Complete only the items specified. Specific instructions are as follows:

Top of Page. Priority area numbers must be indicated for all applications. If the priority area(s) is not indicated, the application will not be reviewed.

Item 1. Preprinted on the form.

Item 2a. Applicant's own control number, if desired.

Item 2b. Date application is signed.

Item 3a. Enter the number assigned, if available, by the State Single Point of Contact (SPOC). Applications submitted to HDS must contain this identifier, if provided by the SPOC prior to application submittal. (Item 22 must also be completed).

Item 3b. Date identifier is assigned by SPOC.

Item 4a. Enter the name of applicant organization. Do not include the name of an individual. Use abbreviations to limit the name to 30 characters, including spaces and punctuation.

Item 4b. Enter the unit within the organization that will actually carry out the project. If 4a and 4b are the same, leave 4b blank. Use abbreviations to limit this line to 30 characters, including spaces and punctuation.

Items 4c–4g. Enter the address that the organization actually uses to receive mail, as this is where all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

Item 4h. Enter the name and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given in 4c–4g.

Item 5. Enter the employer identification number of the applicant organization as assigned by the IRS. If the applicant organization has been assigned a DHHS Entity Number consisting of the IRS employer identification number prefixed by "1" and suffixed by a two-digit number, enter the full Entity Number. If applicant has other grants with DHHS and has been assigned a Payee Identification Number (PIN), enter the PIN in parenthesis ( ) beside employer identification number.

Item 6a. Leave blank.

Item 6b. Leave blank.

Item 7. The title should be no more than 200 characters long, including spaces and punctuation. It should be typed in not more than four lines of 50 characters each.

Summary Description. Item 7 also asks for a summary description of the project using Section IV. In place of Section IV, use a separate sheet of 8½ x 11 plain paper to provide this summary description of the project. Clearly mark this separate page with the applicant name as shown in item 4a and the priority area number as shown at the top of the page. The summary

description should not exceed 1,200 characters, including spaces and punctuation. These 1,200 characters become part of the computer data base on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project (such as software packages, materials, management procedures, data collection instruments, training packages or videos). This information in conjunction with the information on the SF 424, becomes the project's "abstract" and will be the major source of information about the proposed project; it is the first information that the reviewers read in evaluating the application. Applicants which do not submit this summary description may jeopardize their chances of being funded.

At the bottom of the page, but apart from the summary description, type up to 10 key words describing the service(s) and target population(s) to be covered by the proposed project. The key words are to be selected from the list at the end of Part IV of this announcement. These key words will be used for computer searches for specific types of proposed and funded projects.

Item 8. Self-explanatory with the exception of 8e, "City," which includes a town, township, or other municipality.

Item 9. Leave blank.

Item 10. Enter specific number of persons to be directly benefited or served during the life of the project. This number should be substantiated in the application's Program Narrative, Part IV.

Item 11. Preprinted on the form.

Items 12a–12f. Enter the budget for the total project period, if that period is 17 months or less; if the proposed project period exceeds 17 months, enter budget for the first 12 months.

Item 12a. Enter the amount of Federal funds requested. This amount should be no greater than the maximum amount specified in the priority area description.

Items 12b–12e. Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. These items (b–e) are considered cost-sharing or "matching funds." It is important that the dollar amounts entered here (the non-Federal share) total at least 25 percent of the total project cost (the requested Federal funds plus funds from non-Federal sources) for the project period if that period is 17 months or less or for the first 12 months if the project period exceeds 17 months.

The 25 percent "matching funds" is required for each budget period whether that period is less than 17 months or exceeds 17 months. The following are exceptions to the required 25 percent "matching funds": (1) For applications from American Native tribal organizations or for projects funded under the Native Americans Act, the non-Federal share must be 20 percent of the total project cost; (2) in the case of research projects, where the non-Federal share must be at least 5 percent of the total project cost; (3) non-Federal cost sharing is not required on applications originating from American Samoa, Guam or the Northern Mariana Islands; and (4) no match or cost-sharing is required for Child Welfare and Indian Child Welfare traineeship projects.

Item 12f. Enter the sum of items 12a–12e.

Item 13a. Enter the number of the Congressional district where the principal office is located.

Item 13b. Enter the number of the Congressional districts(s) where the project will be located. If State-wide, a several state effort, or nationwide, enter "00."

Item 14. Preprinted on the form.

Item 15. Enter the desirable start date for the project, beginning on or after July 1, 1988. Most awards made from this program announcement will have start dates between July 1 and September 30, 1988.

Item 16. Enter the estimated number of months to complete the project after Federal funds are available. Projects are generally for 12 months, 24 months or 36 months or for the duration specified in the priority area description. Ensure that this number does not exceed the limitation indicated in the priority area description.

Item 17. Leave blank.

Items 18 and 19. Preprinted on the form.

Item 20. Leave blank.

Item 21. Preprinted on the form.

Item 22a. Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the attached listing. All applicants, except those in Alaska, Idaho, Nebraska, American Samoa and Palau must contact their SPOC. Review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until the full review time of 60 days is afforded.

Item 22b. Check the appropriate box if not covered by E.O. 12372.

Item 23a. Enter the name and title of the Certifying Representative of legal applicant.

Item 23b. Signature of Certifying Representative entered in Item 23a.

Items 24–33. Leave blank.

SF 424, Part II, Project Approval Information: Negative answers will not require an explanation unless HDS requests more information at a later date. All "yes" answers must be explained on a separate page in accordance with these instructions.

Item 1. Provide the name of the governing body establishing the priority system and the priority rating assigned to this project. If the priority rating is not available, give the approximate date that it will be obtained.

Item 2. Provide the name of the agency or board which issued the clearance and attach the documentation of status or approval. If the clearance is not available, give the approximate date that is will be obtained.

Item 3. Furnish the name of the approving agency and the approval date. If the approval has not been received, state approximately when it will be obtained.

Item 4. Show whether the approved comprehensive plan is State, local or regional; or, if none of these, explain the scope of the plan. Give the location where the approved plan is available for examination, and state whether this project is in conformance with the plan. If the plan is not available, explain why.

Item 5. Show the population residing or working on the Federal installation who will benefit from this project. Federally recognized Indian reservations are not "Federal installations."

Item 6. Show the percentage of the project work that will be conducted on federally owned land or leased land. Give the name of the Federal installation and its location.

Item 7. Briefly describe the possible beneficial and/or harmful effect on the environment because of the proposed project. If an adverse environmental effect is anticipated, explain what action will be taken to minimize it.

Item 8. State the number of individuals, families, businesses or farms this project will displace.

Item 9. Show the Catalog of Federal Domestic Assistance number, the program number, the type of assistance, the status, the amount of each project where there is related previous, pending or anticipated assistance from another funding source.

3. *SF 424, Part III—Budget Information:* We have added certain sections that were deleted last year to

clarify our requests and your presentation.

Section A—Budget Summary

This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs in column (f). Enter total of (e) and (f) in column (g).

Section B—Budget Categories

This budget which includes the Federal as well as non-Federal funding for the proposed project covers (1) the total project period of 17 months or less or (2) the first year if the proposed project exceeds 17 months. It should relate to item 12f, total funding, on page one of the SF 424.

Under column (5), enter the total (Federal and non-Federal) funds, by object class category, for the total project period, if the project will be completed in 17 months or less; or for the first year, if the proposed project exceeds 17 months.

A budget justification should be included to explain fully and justify major items, as indicated below. The budget justification should not exceed three typed pages and should follow Part III—Budget Information.

Personnel—Line 6a. Enter the total costs of salaries and wages of applicant/grantee staff. Identify the principal investigator or project director, if known. Specify the percentage of time and titles of the organization's staff who will be working on the project as part of the budget justification. Do not include the costs of consultants, which should be included on line h, Other.

Fringe Benefits—Line 6b. Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate. Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Travel—6c. Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation. Provide justification for requested travel costs. Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Equipment—Line 6d. Enter the total costs of all equipment to be acquired by the project. "Equipment" is non-expendable tangible personal property having a useful life of more than two years and an acquisition cost of $500 or more per unit. An applicant may use its own definition, provided that it would at least include all non-expendable tangible personal property as defined in the preceding sentence.

Supplies—Line 6e. Enter the total costs of all tangible expendable personal property (supplies) other than those included on line 6d.

Contractual—Line 6f. Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and, (2) contracts with secondary recipient organizations including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. Attach a list of contractors indicating the name of the organization, the purpose of the contract and the estimated dollar amount of the award. If the name of contractor, scope of work and estimated total is not available or has not been negotiated, include in Line h, "Other." Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section B, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide back-up documentation identifying the name of contractor, purpose of contract and major cost elements.

Construction—Line 6g. Leave blank since new construction is not allowable and HDS funds are rarely used under this program announcement for either renovation or repair.

Other—Line 6h. Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, medical and dental costs, noncontractual fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use, training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Total Direct Charges—Line 6i. Show the totals of Lines 6a through 6h.

Indirect Charges—Line 6j. Enter the total amount of indirect costs. If no indirect costs are requested enter "none." This line should be used only when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency. Enclose a copy of this agreement. Local governments shall enter the amount of indirect costs determined in accordance with HHS requirements.

In the case of training grants to other than State or local governments (as defined in 45 CFR Part 74), the reimbursement of indirect costs will be limited to the lesser of the negotiated or actual indirect cost rate or 8 percent of the amount allowed for direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations. It should be noted that when indirect charges are included, these charges should not be charged as direct charges to the grant.

Total—Line 6k. Enter the total amounts of Lines 6i and 6j.

Program Income—Line 7. Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Describe the nature, source, and anticipated use of income in the Program Narrative.

In-Kind Contributions—Line 8. After program income, enter the value of in-kind contributions. In-kind contributions are defined in Title 45 of the Code of Federal Regulations, Part 74.51 as, "property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant."

Section E—Budget Estimate of Federal Funds Needed for Balance of the Project

This section should only be completed if the total project period exceeds 17 months.

Totals—Line 20. For projects that will have more than one budget period, enter the estimated required *Federal* funds for the second budget period (months 13 through 24) under column (b) First. If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under (c) Second. Columns (d) and (e) will be blank since HDS limits funding under this announcement to a three year maximum.

4. *SF 424, Part IV, Program Narrative:* Describe the project proposed in response to this announcement addressing the specific concerns mentioned under the priority area description in Part II. The narrative should provide information on how that application meets the evaluation criteria in Part III, which are the same as the format below. This narrative should be no less than 6 double-spaced or 3 single-

spaced pages and not more than 20 double-spaced or ten single-spaced pages. It should be typed on 8½" x 11" plain white bond with 1" margins on both sides and the pages numbered, with the first page of the narrative as page number 1. Reproductions of larger size paper, reduced to meet the size requirement, are not acceptable.

Applicants (except those under priority areas 4.8, 4.12, 6.1, 6.2, 6.4 and 7.3) are required to follow the format described below in preparing their applications, using the five headings for sections of the application. However, the number of pages for each section is given as a suggestion only. More information on the exceptions follows the descriptions of the five sections below.

(a) *Need for the Project—Objectives:* (four pages double-spaced). State the specific objectives and needs addressed by the project in terms of its national or regional significance, its theoretical importance and its applicability to practices and subordinate objectives of the project. Provide a detailed discussion of the "state-of-the-art" relative to the problem or area addressed by the proposal and indicate how the proposed effort will impact on it. For research projects, state the hypothesis(es) to be tested or the specific questions to be answered. For demonstration, training, technical assistance, and evaluation projects, state the goals or service objectives of the proposal. Provide supporting documentation or other testimonies from concerned interests other than the applicant. Summarize, evaluate and relate relevant data, based on planning or demonstration studies, to the proposed project.

Give a precise location of the project or area to be served by the proposed project.

(b) *Project Methodology—Project Implementation Plan:* (six pages double-spaced).

Tasks to be performed. Describe in detail the tasks to be performed including the events, activities and expected products. Identify the key staff member that will be the lead person. Relate each task to each of the objectives. Provide a chart indicating the timetable for completing each task, the lead person and the time committed.

Approach. Explain, in detail, the approach to be used for accomplishing each task and how this approach will accomplish the project objectives as well as how these objectives will solve the problem(s). Also, fully describe the research methodology, demonstration plan, design of training program or other appropriate techniques to be used.

(c) *Expected Outcomes:* (three pages double-spaced). Identify, in specific terms, the results and benefits—for target groups and human service programs—to be derived from implementing the proposed project. Describe how the expected results and benefits will relate to previous research and/or demonstration efforts. Also describe in specific terms the anticipated contribution that this project will make to policy, practice, theory and/or future research

Describe in detail evaluation plans and procedures which are capable of measuring the degree to which the project objectives have been accomplished. Provide an explanation on why these evaluation techniques will be used.

d. *Dissemination and Utilization:* (three pages double-spaced) Describe in detail the product(s) resulting from the proposed project that will be disseminated. Also describe the steps to be taken to disseminate and promote the utilization of these products and findings. State what resources will be used to disseminate these products and findings. Finally, explain why these steps are expected to be successful in disseminating the products and findings. The specific audiences to whom the products and findings will be disseminated must be specified as well as the reason why these audiences will benefit from these results. State in detail the steps to be taken to have the products and findings adopted by these audiences.

(e) *Level of Effort:* (four pages double-spaced).

Staffing pattern. Describe the staffing pattern for the proposed project, clearly linking responsibilities to project tasks and specifying the contributions to be made by key staff.

Competence of staff. List the qualifications of the project team including any experiences working on similar projects. Also list the variety of skills to be used, relevant research experience, educational background and the demonstrated ability to produce final results that are readily comprehensible and usable.

Adequacy of resources. Specify the adequacy of the available facilities, resources and organizational experience with regard to the tasks of the proposed project.

List the financial, physical and other resources to be provided by other profit and nonprofit organizations. Explain how these organizations will participate in the day to day operations of the project. Also explain the available resources or commitments for the continuation of the project after the federal funding period terminates or the demonstration is concluded.

Budget. Relate the proposed budget to the level of effort required to attain project objectives and provide a cost/benefit analysis. Demonstrate that the project's costs are reasonable in view of the anticipated results.

Collaborative efforts. Discuss in detail and provide documentation for any collaborative and coordinated efforts with other agencies or organizations. Identify these agencies or organizations and explain how these will enhance the project. Letters of commitment must be included with the application. Also explain in detail the coordination efforts to bring community agencies to work together in support of the proposed project.

Authorship. The authors of the application must be clearly identified together with their current relationship to the applicant organization and any future project role they may have if the application is funded.

Applications submitted under the following priority areas: Longitudinal Study for Child Abuse and Neglect (4.8), Field Initiated Research for Child Abuse and Neglect (4.12), and Longitudinal Cohort Study for Child Welfare (7.3) should not be prepared using this format since the dissemination and utilization criterion has been eliminated. Each priority area description indicates how the 15 points for the eliminated criterion has been redistributed.

Applications under the Child Welfare Traineeship (6.1), In-Service Training (6.2) and Indian Child Welfare Training (6.4) priority areas also will not be evaluated against the dissemination and utilization criterion. The 15 points for the eliminated criterion have been added to the criterion on expected outcomes for a total of 30 points.

The chart below summarizes information on the six priority areas which are exceptions:

Number of Double-spaced Pages for the Narrative Sections

	Priority Areas					
Sections	4.8	4.12	6.1	6.2	6.4	7.3
Need/project	4	4	4	4	4	4
Methodology	6	6	6	6	6	6
Outcomes	3	3	6	6	6	3
Level/effort	7	7	4	4	4	7
Total pages	20	20	20	20	20	20

Organizational Capability Statement

A brief (maximum 2 pages double-spaced or one page single-spaced) background description of how the applicant agency (or the particular division of a larger agency which will

have responsibility for this project) is organized and the types and quantity of services it provides or research capabilities it possesses. This description should cover capabilities not included in the program narrative under level of effort. It may include descriptions of any current or previous relevant experience or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable.

Part V—Assurances

Applicants are required to file Part V, Assurances, and the Assurance of Compliance with the DHHS Regulations under Title VI of the Civil Rights Act of 1964 and the Assurance of Compliance with Section 504 of the Rehabilitation Act of 1973, as amended. Copies of these assurances are reprinted at the end of this announcement.

For research grants involving Head Start and Runaway and Homeless Youth populations, an Assurance of Protection of Human Subjects is required. For other research projects for which human subjects may be at risk (for instance, research involving cases of child sexual abuse), an assurance may also be needed. If there is a question regarding the applicability of this assurance (located at the end of this announcement) contact the Office of Research Risks of the National Institutes of Health at (301) 496–7041.

Checklist of Application Requirements

The checklist below is to be typed on 8½" x 11" plain bond paper, completed and included in your application package.

Included in your application package are:

☐ Checklist;

☐ One original application plus two copies. The original and both copies of the application should include the following:

☐ SF 424, page 1 and Parts II and III;

☐ Summary description;

☐ SF 424, Part IV, Program Narrative (not less than 6 pages nor more than 20 pages, double-spaced) including Need for the Project, Project Methodology, Expected Outcomes, Dissemination and Utilization, and Level of Effort;

☐ Organizational Capability Statement (2 pages, double-spaced maximum);

☐ Part V, Assurances; and,

☐ Letters of Commitment (not more than 10 pages).

☐ SF 424 has been completed according to the instructions, signed in blue ink and dated by an authorized official (item 23), and the original has been included in the package to be mailed along with the two copies.

☐ The original and two copies of the application have been stapled securely (no folders or binders) with the first page of the SF 424 as the first page of each copy of the application.

The Checklist, original application and two copies of the application should be packaged together so that they can be processed together. However, if more than one application set is to be submitted, each application set should be packaged separately and submitted under separate cover.

Remember, applications must be postmarked or hand delivered by 5:30 p.m. no later than March 18, 1988 to:

HDS/Division of Grants and Contracts Management, 200 Independence Avenue, SW., HHH Building, Room 724–F, Washington, DC 20201, Attention HDS–88–2, Priority Area——

(Federal Catalog of Domestic Assistance Numbers: 13.600 Head Start; 13.608 Child Welfare Services; 13.670 Child Abuse Prevention; 13.623 Runaway and Homeless Youth; 13.652 Adoption Opportunities; 13.631 Developmental Disabilities Special Projects; 13.661 Native Americans Program Act; 13.668 Title IV of the Older Americans Act; and 13.647 Social Services Research—Section 1110).

Dated: October 27, 1987.

Phillip N. Hawkes,

Acting Assistant Secretary for Human Development Services.

G. Barry Nielsen,

Director, Office of Policy, Planning and Legislation.

Dodie Livingston,

Commissioner, Administration for Children, Youth and Families.

William L. Engles,

Commissioner, Administration for Native Americans.

Lucy C. Biggs,

Commissioner, Administration on Developmental Disabilities.

Carol Fraser Fisk,

Commissioner, Administration on Aging.

BILLING CODE 4130-01-M

PRIORITY AREA:

OMB Approval No. 0348-0006

FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION (Mark appropriate box)	☐ NOTICE OF INTENT (OPTIONAL) ☐ PREAPPLICATION ☒ APPLICATION	2. APPLICANT'S APPLICATION IDENTIFIER	a. NUMBER b. DATE Year month day 19	3. STATE APPLICATION IDENTIFIER NOTE: TO BE ASSIGNED BY STATE	a. NUMBER b. DATE ASSIGNED Year month day 19
		Leave Blank			

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
a. Applicant Name .
b. Organization Unit .
c. Street/P.O. Box .
d. City . e. County
f. State . g. ZIP Code.
h. Contact Person (Name & Telephone No.) .

5. EMPLOYER IDENTIFICATION NUMBER (EIN)

6. PROGRAM (From CFDA) a. NUMBER N/A MULTIPLE ☐ b. TITLE N/A

7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)

8. TYPE OF APPLICANT/RECIPIENT
A—State; B—Interstate; C—Substate Organization; D—County; E—City; F—School District; G—Special Purpose District; H—Community Action Agency; I—Higher Educational Institution; J—Indian Tribe; K—Other (Specify):
Enter appropriate letter ☐

9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.) N/A

10. ESTIMATED NUMBER OF PERSONS BENEFITING

11. TYPE OF ASSISTANCE
A—Basic Grant; B—Supplemental Grant; C—Loan; D—Insurance; E—Other
Enter appropriate letter(s) A ☐

12. PROPOSED FUNDING		13. CONGRESSIONAL DISTRICTS OF:	
a. FEDERAL	$ .00	a. APPLICANT	b. PROJECT
b. APPLICANT	.00		
c. STATE	.00	15. PROJECT START DATE Year month day 19	16. PROJECT DURATION Months
d. LOCAL	.00		
e. OTHER	.00	18. DATE DUE TO FEDERAL AGENCY ▶	Year month day 19 88/03/18
f. Total	$ .00		

14. TYPE OF APPLICATION
A—New; B—Renewal; C—Revision; D—Continuation; E—Augmentation
Enter appropriate letter A

17. TYPE OF CHANGE (For 14c or 14e)
A—Increase Dollars; B—Decrease Dollars; C—Increase Duration; D—Decrease Duration; E—Cancellation; F—Other (Specify):
Enter appropriate letter(s) ☐☐☐

19. FEDERAL AGENCY TO RECEIVE REQUEST: Department of Health and Human Services
a. ORGANIZATIONAL UNIT (IF APPROPRIATE): Office of Human Development Svc.
b. ADMINISTRATIVE CONTACT (IF KNOWN): Division of Grants & Contr.
c. ADDRESS: 200 Independence Avenue, SW, HHH Building, Room 724-F Washington, DC 20201 ATTN: HDS-88-1

20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER: N/A

21. REMARKS ADDED ☒ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT▶ To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
DATE _____
b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 ☐
OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW ☐

23. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE b. SIGNATURE

SECTION III—FEDERAL AGENCY ACTION

24. APPLICATION RECEIVED Year month day 19

25. FEDERAL APPLICATION IDENTIFICATION NUMBER

26. FEDERAL GRANT IDENTIFICATION

27. ACTION TAKEN
☐ a. AWARDED
☐ b. REJECTED
☐ c. RETURNED FOR AMENDMENT
☐ d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE
☐ e. DEFERRED
☐ f. WITHDRAWN

28. FUNDING	
a. FEDERAL	$ .00
b. APPLICANT	.00
c. STATE	.00
d. LOCAL	.00
e. OTHER	.00
f. TOTAL	$ .00

29. ACTION DATE▶ Year month day 19

30. STARTING DATE Year month date 19

31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

32. ENDING DATE Year month date 19

33. REMARKS ADDED ☐ Yes ☐ No

NSN 7540-01-008-8162
PREVIOUS EDITION IS NOT USABLE

424-103

STANDARD FORM 424 PAGE 1 (Rev. 4-84)
Prescribed by OMB Circular A-102

OMB NO. 0348-0006

PART II
PROJECT APPROVAL INFORMATION

Item 1.
Does this assistance request require State, local regional, or other priority rating?
_____ Yes _____ No
Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?
_____ Yes _____ No
Name of Agency or Board _____
(Attach Documentation)

Item 3.
Does this assistance request require State, local, regional or other planning approval?
_____ Yes _____ No
Name of Approving Agency _____
Date _____

Item 4.
Is the proposed project covered by an approved comprehensive plan?
_____ Yes _____ No
Check one: State ☐ Local ☐ Regional ☐
Location of Plan _____

Item 5.
Will the assistance requested serve a Federal installation?
_____ Yes _____ No
Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 6.
Will the assistance requested be on Federal land or installation?
_____ Yes _____ No
Name of Federal Installation _____
Location of Federal Land _____
Percent of Project _____

Item 7.
Will the assistance requested have an impact or effect on the environment
_____Yes _____ No
See instructions for additional information to be provided.

Item 8.
Will the assistance requested cause the displacement of individuals, families, businesses, or farms?
_____ Yes _____ No
Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 9.
Is there other related assistance on this project previous, pending, or anticipated
_____Yes _____ No
See instructions for additional information to be provided.

OMB NO. 0348-0006

PART III - BUDGET INFORMATION

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. N/A	N/A	$ N/A	$ N/A	$ N/A	$ N/A	$ N/A
2. N/A	N/A	N/A	N/A	N/A	N/A	N/A
3. N/A	N/A	N/A	N/A	N/A	N/A	N/A
4. N/A	N/A	N/A	N/A	N/A	N/A	N/A
5. TOTALS HDS/CDP		$ - 0 -	$ - 0 -	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	- Grant Program, Function or Activity				(Federal & non-Federal) Total
	(1) N/A	(2) N/A	(3) N/A	(4) N/A	(5)
a. Personnel	$ N/A	$ N/A	$ N/A	$ N/A	$
b. Fringe Benefits	N/A	N/A	N/A	N/A	
c. Travel	N/A	N/A	N/A	N/A	
d. Equipment	N/A	N/A	N/A	N/A	
e. Supplies	N/A	N/A	N/A	N/A	
f. Contractual	N/A	N/A	N/A	N/A	
g. Construction	N/A	N/A	N/A	N/A	
h. Other	N/A	N/A	N/A	N/A	
i. Total Direct Charges	N/A	N/A	N/A	N/A	
j. Indirect Charges	N/A	N/A	N/A	N/A	
k. TOTALS	$ N/A	$ N/A	$ N/A	$ N/A	$
7. Program Income	$ N/A	$ N/A	$ N/A	$ N/A	$

8. In-Kind Contributions $

(the value of property, goods, or services donated to a grantee at no charge to the grantee, subgrantee, or cost type contractor)

Note: Other cost sharing equals costs of the grant not borne by HDS and is included in items B.6.a-k above.

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16. N/A	$ N/A	$ N/A	$ N/A	$ N/A
17. N/A	N/A	N/A	N/A	N/A
18. N/A	N/A	N/A	N/A	N/A
19. N/A	N/A	N/A	N/A	N/A
20. TOTALS HDS/CDP	$	$	$ N/A	$ N/A

PART V

ASSURANCES

The Applicant hereby assures and certifies that it will comply with the regulations, policies, guidelines and requirements, including 45 CFR Part 74 and OMB Circulars No. A-102, A-110 and applicable cost principles, (Circulars: A-21, "Educational Institutions"; A-87, "Cost Principles for State and Local Governments"; and A-122, "Nonprofit Organizations"), as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also the applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

5. It will comply with the provisions of the Hatch Act which limit the political activity of State and local government employees.

6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201) as they apply to employees of institutions of higher education, hospitals, other nonprofit organizations, and to employees of State and local governments who are not employed in integral operations in areas of traditional governmental functions.

   Head Start, Certification of Minimum Wage: It certifies that it has reviewed the salary structures and wages for all positions and certifies that persons employed in carrying out this program shall not receive compensation at a rate which is (a) in excess of the average rate of compensation paid in the area to persons providing substantially comparable services; or (b) less than the minimum wage rate prescribed in section 6(a) of the Fair Labor Standards Act of 1938. Documentation of the methods by which it established wage scales is available in their files for review by audit and HDS personnel.

7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

8. It will give the sponsoring agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant, including the records of contractors and subcontractors performing under the grant.

9. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.

10. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

11. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards.

12. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the grantee's activity and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

13. Applicants for the Administration for Native Americans Programs, hereby certify in accordance with 45 CFR 1336.53, that the financial assistance provided by the Office of Human Development Services for the specified activities to be performed under this program, will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

14. It will comply with the Age Discrimination Act of 1975 enacted as an amendment to the Older Americans Act (Pub. L. 94-135), which provides that: No person in the United States shall, on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity for which the applicant receives Federal financial assistance.

15. It will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto, which prohibits discrimination on the basis of handicap in programs and activities receiving Federal financial assistance.

16. It will comply with Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.) which prohibits discrimination on the basis of sex in education programs and activities receiving Federal financial assistance (whether or not the programs or activities are offered or sponsored by an educational institution).

17. It will comply with Pub. L. 93-348 as implemented by Part 46 of Title 45 (45 CFR 46, 42 U.S.C. 2891) regarding the protection of human subjects involved in research, development, and related activities supported by the grant.

18. It will comply with the equal opportunity clause prescribed by Executive Order 11246, as amended, and will require that its subrecipients include the clause in all construction contracts and subcontracts which have or are expected to have an aggregate value within a 12-month period exceeding $10,000, in accordance with Department of Labor regulations at 41 CFR Part 60.

19. It will include, and will require that its subrecipients include, the provision set forth in 29 CFR 5.5(c) pertaining to overtime and unpaid wages in any nonexempt nonconstruction contract which involves the employment of mechanics and laborers (including watchmen, guards, apprentices, and trainees) if the contract exceeds $2,500.

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant") HEREBY
Name of Applicant (type or print)

AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____ By _____
Signature and Title of Authorized Official

_____
Area Code — Telephone Number

_____
Applicant (type or print)

_____
Street Address

_____
City State Zip

HHS-441 (7/84) Rev.

HDS GRANTS MANAGEMENT
GPO 908-715

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HHS regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to § 84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other federal financial assistance extended by the Department of Health and Human Services after the date of this Assurance, including payments or other assistance made after such date on applications for federal financial assistance that were approved before such date. The recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which federal financial assistance is extended to it by the Department of Health and Human Services or, where the assistance is in the form of real or personal property, for the period provided for in § 84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

a. ( ) employs fewer than fifteen persons;

b. ( ) employs fifteen or more persons and, pursuant to § 84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HHS regulation:

_____
Name of Designee(s) — Type or Print

_____ _____
Name of Recipient — Type or Print Street Address

_____ _____
(IRS) Employer Identification Number City

_____ _____
Area Code — Telephone Number State Zip

I certify that the above information is complete and correct to the best of my knowledge.

_____ _____
Date Signature and Title of Authorized Official

If there has been a change in name or ownership within the last year, please PRINT the former name below:

HHS-641 (7/84) REV.)
GPO 906-714

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PROTECTION OF HUMAN SUBJECTS ASSURANCE/CERTIFICATION/DECLARATION

☐ ORIGINAL ☐ FOLLOWUP ☐ REVISION

☐ GRANT ☐ CONTRACT ☐ FELLOW ☐ OTHER

☐ NEW ☐ RENEWAL ☐ CONTINUATION

APPLICATION IDENTIFICATION NUMBER *(If known)*

STATEMENT OF POLICY: Safeguarding the rights and welfare of subjects at risk in activities supported under grants and contracts from DHHS is primarily the responsibility of the institution which receives or is accountable to DHHS for the funds awarded for the support of the activity. In order to provide for the adequate discharge of this institutional responsibility, it is the policy of DHHS that no activity involving human subjects to be supported by DHHS grants or contracts shall be undertaken unless the Institutional Review Board has reviewed and approved such activity, and the institution has submitted to DHHS a certification of such review and approval, in accordance with the requirements of Public Law 93-348, as implemented by Part 46 of Title 45 of the Code of Federal Regulations, as amended, (45 CFR 46). Administration of the DHHS policy and regulation is the responsibility of the Office for Protection from Research Risks, National Institutes of Health, Bethesda, MD 20205.

1. TITLE OF PROPOSAL OR ACTIVITY

2. PRINCIPAL INVESTIGATOR/ACTIVITY DIRECTOR/FELLOW

3. DECLARATION THAT HUMAN SUBJECTS EITHER WOULD OR WOULD NOT BE INVOLVED

☐ A. NO INDIVIDUALS WHO MIGHT BE CONSIDERED HUMAN SUBJECTS, INCLUDING THOSE FROM WHOM ORGANS, TISSUES, FLUIDS, OR OTHER MATERIALS WOULD BE DERIVED, OR WHO COULD BE IDENTIFIED BY PERSONAL DATA, WOULD BE INVOLVED IN THE PROPOSED ACTIVITY. (IF NO HUMAN SUBJECTS WOULD BE INVOLVED, CHECK THIS BOX AND PROCEED TO ITEM 7. PROPOSALS DETERMINED BY THE AGENCY TO INVOLVE HUMAN SUBJECTS WILL BE RETURNED.)

☐ B. HUMAN SUBJECTS WOULD BE INVOLVED IN THE PROPOSED ACTIVITY AS EITHER: ☐ NONE OF THE FOLLOWING, OR INCLUDING: ☐ MINORS, ☐ FETUSES, ☐ ABORTUSES, ☐ PREGNANT WOMEN, ☐ PRISONERS, ☐ MENTALLY RETARDED, ☐ MENTALLY DISABLED. UNDER SECTION 6. COOPERATING INSTITUTIONS, ON REVERSE OF THIS FORM, GIVE NAME OF INSTITUTION AND NAME AND ADDRESS OF OFFICIAL(S) AUTHORIZING ACCESS TO ANY SUBJECTS IN FACILITIES NOT UNDER DIRECT CONTROL OF THE APPLICANT OR OFFERING INSTITUTION.

4. DECLARATION OF ASSURANCE STATUS/CERTIFICATION OF REVIEW

☐ A. THIS INSTITUTION HAS NOT PREVIOUSLY FILED AN ASSURANCE AND ASSURANCE IMPLEMENTING PROCEDURES FOR THE PROTECTION OF HUMAN SUBJECTS WITH THE DHHS THAT APPLIES TO THIS APPLICATION OR ACTIVITY. ASSURANCE IS HEREBY GIVEN THAT THIS INSTITUTION WILL COMPLY WITH REQUIREMENTS OF *DHHS Regulation 45 CFR 46*, THAT IT HAS ESTABLISHED AN INSTITUTIONAL REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS AND, WHEN REQUESTED, WILL SUBMIT TO DHHS DOCUMENTATION AND CERTIFICATION OF SUCH REVIEWS AND PROCEDURES AS MAY BE REQUIRED FOR IMPLEMENTATION OF THIS ASSURANCE FOR THE PROPOSED PROJECT OR ACTIVITY.

☐ B. THIS INSTITUTION HAS AN APPROVED GENERAL ASSURANCE (DHHS ASSURANCE NUMBER _____) OR AN ACTIVE SPECIAL ASSURANCE FOR THIS ONGOING ACTIVITY, ON FILE WITH DHHS. THE SIGNER CERTIFIES THAT ALL ACTIVITIES IN THIS APPLICATION PROPOSING TO INVOLVE HUMAN SUBJECTS HAVE BEEN REVIEWED AND APPROVED BY THIS INSTITUTION'S INSTITUTIONAL REVIEW BOARD IN A CONVENED MEETING ON THE DATE OF_____ IN ACCORDANCE WITH THE REQUIREMENTS OF THE *Code of Federal Regulations on Protection of Human Subjects (45 CFR 46)*. THIS CERTIFICATION INCLUDES, WHEN APPLICABLE, REQUIREMENTS FOR CERTIFYING FDA STATUS FOR EACH INVESTIGATIONAL NEW DRUG TO BE USED (SEE REVERSE SIDE OF THIS FORM).

THE INSTITUTIONAL REVIEW BOARD HAS DETERMINED, AND THE INSTITUTIONAL OFFICIAL SIGNING BELOW CONCURS THAT:

EITHER ☐ HUMAN SUBJECTS WILL NOT BE AT RISK; OR ☐ HUMAN SUBJECTS WILL BE AT RISK.

5. AND 6. SEE REVERSE SIDE

7. NAME AND ADDRESS OF INSTITUTION

8. TITLE OF INSTITUTIONAL OFFICIAL	TELEPHONE NUMBER
SIGNATURE OF INSTITUTIONAL OFFICIAL	DATE

HHS-596 (Rev. 5-80)

ENCLOSE THIS FORM WITH THE PROPOSAL OR RETURN IT TO REQUESTING AGENCY.

5. INVESTIGATIONAL NEW DRUGS - ADDITIONAL CERTIFICATION REQUIREMENT

SECTION 46.17 OF TITLE 45 OF THE Code of Federal Regulations states, "Where an organization is required to prepare or to submit a certification . . . and the proposal involves an investigational new drug within the meaning of The Food, Drug, and Cosmetic Act, the drug shall be identified in the certification together with a statement that the 30-day delay required by 21 CFR 130.3(a)(2) has elapsed and the Food and Drug Administration has not, prior to expiration of such 30-day interval, requested that the sponsor continue to withhold or to restrict use of the drug in human subjects; or that the Food and Drug Administration has waived the 30-day delay requirement; provided, however, that in those cases in which the 30-day delay interval has neither expired nor been waived, a statement shall be forwarded to DHHS upon such expiration or upon receipt of a waiver. No certification shall be considered acceptable until such statement has been received."

INVESTIGATIONAL NEW DRUG CERTIFICATION

TO CERTIFY COMPLIANCE WITH FDA REQUIREMENTS FOR PROPOSED USE OF INVESTIGATIONAL NEW DRUGS IN ADDITION TO CERTIFICATION OF INSTITUTIONAL REVIEW BOARD APPROVAL, THE FOLLOWING REPORT FORMAT SHOULD BE USED FOR EACH IND: (ATTACH ADDITIONAL IND CERTIFICATIONS AS NECESSARY).

— IND FORMS FILED: ☐ FDA 1571, ☐ FDA 1572, ☐ FDA 1573

— NAME OF IND AND SPONSOR _____

— DATE OF 30-DAY EXPIRATION OR FDA WAIVER
(FUTURE DATE REQUIRES FOLLOWUP REPORT TO AGENCY) _____

— FDA RESTRICTION _____

— SIGNATURE OF INVESTIGATOR _____ DATE _____

6. COOPERATING INSTITUTIONS - ADDITIONAL REPORTING REQUIREMENT

SECTION 46.16 OF TITLE 45 OF THE *Code of Federal Regulations* IMPOSES SPECIAL REQUIREMENTS ON THE CONDUCT OF STUDIES OR ACTIVITIES IN WHICH THE GRANTEE OR PRIME CONTRACTOR OBTAINS ACCESS TO ALL OR SOME OF THE SUBJECTS THROUGH COOPERATING INSTITUTIONS NOT UNDER ITS CONTROL. IN ORDER THAT THE DHHS BE FULLY INFORMED, THE FOLLOWING REPORT IS REQUESTED WHEN APPLICABLE.

USE FOLLOWING REPORT FORMAT FOR EACH INSTITUTION OTHER THAN GRANTEE OR CONTRACTING INSTITUTION WITH RESPONSIBILITY FOR HUMAN SUBJECTS PARTICIPATING IN THIS ACTIVITY: (ATTACH ADDITIONAL REPORT SHEETS AS NECESSARY).

INSTITUTIONAL AUTHORIZATION FOR ACCESS TO SUBJECTS

— SUBJECTS: STATUS (WARDS, RESIDENTS, EMPLOYEES, PATIENTS, ETC.) _____

NUMBER _____ AGE RANGE _____

NAME OF OFFICIAL (PLEASE PRINT) _____

TITLE _____ TELEPHONE _____

NAME AND ADDRESS OF COOPERATING INSTITUTION _____

— OFFICIAL SIGNATURE _____

NOTES: *(e.g., report of modification in proposal as submitted to agency affecting human subjects involvement)*

HHS-596 (Rev. 5-80) (Back)

BILLING CODE 4130-01-C

Executive Order 12372—State Single Points of Contact

Alabama

Mrs. Donna J. Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105–0939, Tel. (205) 284–8905.

Alaska

None.

Arizona

Department of Commerce, State of Arizona.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Janice Dunn, ATTN: Arizona State Clearinghouse, 1700 West Washington, Fourth Floor, Phoenix, Arizona 85007, Tel. (602) 255–5004.

Arkansas

Joe Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371–1074.

California

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 323–7480.

Colorado

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203, Tel. (303) 866–2156.

Connecticut

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106–4459.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Tel. (203) 566–3410.

Delaware

Executive Department, Thomas Collins Building, Dover, Delaware 19903, Attn: Francine Booth, Tel. (302) 736–4204.

Florida

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488–8114.

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW—Rm. 608, Atlanta, Georgia 30334, Tel. (404) 656–3855.

Hawaii

Roger A. Ulveling, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804.

For Information Contact: Hawaii State Clearinghouse, Tel. (808) 548–3016 or 548–3085.

Idaho

None.

Illinois

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782–8639.

Indiana

Ms. Peggy Boehm, Deputy Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232–5604.

Iowa

A. Thomas Wallace, Iowa Dept. of Economic Development, Division of Community Progress, 200 East Grand Avenue, Des Moines, Iowa 50309, Tel. (515) 281–3864.

Kansas

Martin Kennedy, Intergovernmental Liaison, Department of Administration, Division of Budget, Rm. 152–E, State Capitol Bldg., Topeka, Kansas 66612, Tel. (913) 296–2436.

Kentucky

Bob Leonard, Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564–2382.

Louisiana

Colby S. La Place, Assistant Secretary, Dept. of Urban & Community Affairs, Office of State Clearinghouse, P.O. Box 94455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 342–9790.

Maine

State Planning Office, Attn: Intergovernmental Review Process/Hal Kimbal, State House Station #38, Augusta, Maine 04333, Tel. (207) 289–3154.

Maryland

Guy W. Hager, Director, Maryland State Clearinghouse, for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Tel. (301) 225–4490.

Massachusetts

Executive Office of Communities and Development, Attn: Beverly Boyle, 100 Cambridge Street, Rm. 904, Boston, Massachusetts 02202, Tel. (617) 727–3253.

Michigan

Michelyn Pasteur, Director, Local Development Services, Department of Commerce, P.O. Box 30225, Lansing, Michigan 48909, Tel. (517) 373–3530. Staff Contact:, Don Bailey, Tel. (517) 334–6190.

Minnesota

Maurice D. Chandler, Intergovernmental Review, Minnesota State Planning Agency, Room 101, Capitol Square Building, St.Paul, Minnesota 55101, Tel. (612) 296–2571.

Mississippi

Office of Federal State Programs, Department of Planning and Policy, 2000 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202.

For Information Contact: Mr. Marlan Baucum, Department of Planning and Policy, Tel. (601) 359–3150.

Missouri

Lois Pohl, Coordinator, Missouri Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 760 Truman Building, Jefferson City, Missouri 65102, Tel. (314) 751–4834.

Montana

Sue Heath, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444–5522.

Nebraska

None.

Nevada

Ms. Jean Ford, Director, Nevada Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885–4420.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: John Walker, Clearinghouse Coordinator, Tel. (702) 885–4420.

New Hampshire

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271–2155.

New Jersey

Mr. Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625–0803, Tel. (609) 292–6613.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Nelson S. Silver, State Review Process, Division of Local Government Services—CN 803, Trenton, New Jersey 08625–0803, Tel. (609) 292–9025.

New Mexico

Dean Olson, Director, Management and Program Analysis Div., Department of Finance and Administration, Management and Contracts Review Div., Clearinghouse Bureau, Room 424, State Capitol, Santa Fe, New Mexico 87503, Tel. (505) 827–3885.

New York

Director of the Budget, New York State.

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Harold W. Juhre, Jr., New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474–1605.

North Carolina

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733–4131.

North Dakota

Bill Robinson, Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224–2094.

Ohio

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215.

For Information Contact: Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466–0699.

Oklahoma

Don Strain, Oklahoma Dept. of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Tel. (405) 843–9770.

Oregon

Intergovernmental Relations Division, State Clearinghouse, Attn: Delores Streeter, Executive Building, 155 Cottage Street, NE., Salem, Oregon 97310, Tel. (503) 373–1998.

Pennsylvania

Laine A. Heltebridle, Special Assistant, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Tel. (717) 783–3700.

Rhode Island

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277–2656.

Note.—Questions & correspondence concerning this State's review process should be directed to: Mr. Michael T. Marfeo, Review Coordinator.

South Carolina

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201, Tel. (803) 734–0435.

South Dakota

Sue Korte, State Clearinghouse Coordinator, State Government Operations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773–3661.

Tennessee

Charles Brown, Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741–1676.

Texas

Leon Willhite, State Planning Director, Office of the Governor, P.O. Box 13561, Capitol Station, Austin, Texas 78711.

Note.—Questions concerning this State's review process should be directed to: Intergovernmental Relations Division, Tel. (512) 463–1814.

Utah

Dale Hatch, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533–5245.

Vermont

State Planning Office, Attn: Bernie Johnson, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828–3326.

Virginia

Nancy Miller, Intergovernmental Affairs Review Officer, Department of Housing and Community Development, 205 North 4th Street, Richmond, Virginia 23219, Tel. (804) 786–4474.

Washington

Washington Department of Community Development, Attn: Washington Intergovernmental Review Process, Dori Goodrich, Coordinator, Ninth and Columbia Building, Olympia, Washington 98504–4151, Tel. (206) 586–1240.

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Rm. 553, Charleston, West Virginia 25305, Tel. (304) 348–4010.

Wisconsin

Secretary James R. Krauser, Wisconsin Department of Administration, 101 South Webster—GEF 2, P.O. Box 7864, Madison, Wisconsin 53707–7864, Tel. (608) 266–1741.

Note.—Correspondence and questions concerning this State's E.O 12372 process should be directed to: Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration, P.O. Box 7864, Madison, Wisconsin 53707–7864, Tel. (608) 266–8349.

Wyoming

Ann Redman, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777–7574.

District of Columbia

Lovetta Davis, DC State Single Point of Contact for E.O. 12372, Executive Office of the Mayor, Office of Intergovernmental Relations, Rm. 416, District Building, 1350 Pennsylvania Avenue, NW., Washington, DC 20004, Tel. (202) 727–9111.

Virgin Islands

Toya Andrew, Federal Program Coordinator, Office of the Governor, The Virgin Islands of the United States, Charlotte Amalie, St. Thomas 00801, Tel. (809) 774–6517.

Puerto Rico

Ms. Patricia G. Custodio, P.E., Chairman and Isael Soto Marrero, Director, Federal Proposal Review Office, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Tel. (809) 727–4444.

Northern Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950.

American Samoa

None.

Guam

Guam State Clearinghouse, Office of the Lieutenant Governor, P.O. Box 2950, Agana, Guam 96910.

List of Key Words

Abused elderly
Accreditation
Adoption
Advocacy and guardianship
Adult day care (use home care with aging and elderly)
Adults
Aging and elderly
Aging-out
Agriculture
Allied professional education
Alternative financing
Asians
Audio-visual
Barrier-free design
Blacks
Board and care
Budgeting and finance
Business development training
Cable television
Career and vocational education
Case Management
Child abuse and neglect
Child care
Child care centers
Children
Clearinghouse
Client outcome measures
Colleges and Universities
Community Care
Community-based organizations
Competitive employment
Comprehensive care
Computer networks
Computers
Conferences
Congregate housing
Consumer education
Continuing education
Contracting
Cooperatives
Coordination
Corrections
Counseling
Courts
Crisis intervention
Cross-cultural
Cross-cutting
Cultural activities
Curriculum development
Data collection
Day care
Day care centers
Deinstitutionalization
Design
Disabled
Developmentally disabled
Dissemination
Dropouts
Economic development
Education and training
Effectiveness measures
Efficiency
Emergency services
Emergency shelters
Employer-supported human services
Employment
Entrepreneurship
Environment
Environmental design
Evaluation
Exploited youth
Families
Family counseling
Family day care
Family support/Caregiving
Films
Finance
Fire safety
Fiscal management
Food and nutrition
Food banks
Forecasting
Foster care
Foster grandparents
Foundations
Frail elderly
Friendly visitors
Gerontology training
Group homes
Guardianship
Handbooks
Historically Black Colleges and Universities (use HBCU)
Head Start
Health
Hispanics
Home care
Home equity conversions
Homeless
Hospitals
Hospices and nursing homes
Housing
Human services
Immigrants and refugees
Income generation
Independent living
Indians
Infants and toddlers
Informal caregivers
Information centers
Information and referral
In-home care
Institutionalization
Information transfer
Interagency cooperation
Interdisciplinary
Intergenerational
Interstate agreements
Investigations
Isolated elderly
Job bank
Job clubs
Job placement
Judicial system
Juvenile justice
Latchkey and school-age children
Law enforcement
Legal
Legal counseling
Legislation and model codes
Linkages
Living skills
Low-cost alternatives
Low-income
Mainstreaming
Management
Management Information Systems
Management training
Manuals
Marketing
Materials
Meals
Media
Medical
Mental health
Mentally disabled
Mentors
Microcomputers
Minorities
Native Alaskans
Native Americans
Native Hawaiians
Needs assessment
Newsletters
Newspapers
Nursing homes
Nutrition counseling
On-the-job training
Outreach
Parent education
Peer counseling
Performance-based contracting
Permanency planning
Physically disabled
Planning
Preschools
Prevention
Preventive care
Primary schools
Private sector
Prostitution
Public education
Public-private cooperation
Radio
Rate-setting
Readiness skills
Recreation
Recruitment
Recycling
Referral
Refugees
Research
Residential care
Resource allocation
Respite care
Retirement
Runaways
Rural
Samoans
School-age children
Secondary schools
Self-care
Self-help
Seminars
Sheltered workshops
Single parents
Small business
Social services
Software
Special education
Special needs adoption
Speech impairment
Standards
Support groups
Target populations
Television
Taxes
Technical assistance
Technology transfer
Teenage parents
Teenage pregnancy
Telecommunications
Therapeutic day care
Toddlers
Training
Training of trainers
Transitioning
Transportation
Unemployed

Urban
User fees
Video
Visual Impairment
Vocational training
Volunteers
Vouchers
Women
Workplace
Youth

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Wednesday
December 30, 1987

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 764 and 769

State and Federal Processes for Designating Lands Unsuitable for Surface Coal Mining Operations; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 764 and 769

State and Federal Processes for Designating Lands Unsuitable for Surface Coal Mining Operations

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) is amending its permanent program rules that govern the processing of petitions to designate specified areas of land as unsuitable for surface coal mining operations. The amendments eliminate provisions providing for the suspension of petition processing and make the State and Federal processes consistent in the completeness review. These changes are being made in response to a decision by the U.S. District Court for the District of Columbia and comments on the proposed rule.

EFFECTIVE DATE: January 29, 1988.

ADDRESS: Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Catherine Roy, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240; telephone 202–343–5143 (FTS 343–5143).

SUPPLEMENTARY INFORMATION:

I. Background

Section 522 of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (SMCRA), establishes a process through which mining may be limited or prohibited where other values are found to be more important than mining and specifies certain areas as unsuitable for mining. OSMRE promulgated rules implementing this section of SMCRA as part of the permanent regulatory program for surface coal mining operations on March 13, 1979 (44 FR 14901). These rules provided for the designation of lands as unsuitable for all or certain types of surface coal mining operations, for terminating such designations, for identifying lands on which surface coal mining operations are limited or prohibited under section 522(e) of SMCRA, and for implementing those limits and prohibitions. The State processes for submitting and reviewing petitions to designate areas as unsuitable are at 30 CFR Part 764. Procedures for such petitions for Federal lands are at 30 CFR Part 769.

OSMRE revised 30 CFR Part 764 and 30 CFR Part 769 on September 14, 1983 (48 FR 41312). The State process for unsuitability petitions was amended to allow the regulatory authority to hold a hearing or solicit written comments on the completeness of petitions. The time period for the regulatory authority to make a completeness review and determination under Part 764 was extended from 30 days to 60 days (30 CFR 764.15(a)(1)).

The 1983 revisions also included a provision to allow the regulatory authority to suspend the processing of an unsuitability petition if certain conditions exist. In the State processes, the regulatory authority was allowed to suspend petitions where there was found to be no real or foreseeable potential for surface coal mining to occur. Real or foreseeable potential was defined as meaning that "the petitioned lands are likely to be subject to leasing or mining activity within 5 years" (30 CFR 764.15(a)(3)).

For Federal Lands, a "ripeness" test was added, and the Director was allowed to suspend a petition for lack of ripeness. Ripe was defined in 30 CFR 769.14(a)(3) as meaning that the petitioned lands are (1) subject to a Federal coal lease, (2) included in a tract for which land use planning has been completed and which tract is available for further consideration for Federal coal leasing, (3) not required to be leased because the mineral rights are not owned by the United States or are owned by the Tennessee Valley Authority, or (4) over unleased Federal coal and subject to surface disturbance from neighboring surface coal mining operations.

The petition process for designation of Federal lands as unsuitable for all or certain types of surface coal mining operations (and for termination of previous designations) was challenged in the U.S. District Court for the District of Columbia (*In re: Permanent Surface Mining Regulation Litigation*, C.A. No. 79–1144). In a decision dated July 15, 1985, the court upheld the Secretary's petition process; however, it noted that the Secretary had failed to justify the procedural differences in the State and Federal petition processes, specifically, the differences in the length of time for the completeness review and the absence in the Federal procedures of the possibility of a hearing or other form of public participation during this review, as was provided in the regulations that apply to State programs (and non-Federal lands in Federal program States).

In the same order, the court remanded the portions of the rule allowing suspension of processing unsuitability petitions on the grounds of no real or foreseeable potential for mining and on the ground of ripeness. The court found §§ 764.15(a)(3), 769.14(a)(3) and 769.14(b)(2) inconsistent with law. The court further found that the Secretary had provided no rational basis or justification in the preamble to 30 CFR 764.15(a)(3).

On November 20, 1986, OSMRE published a notice (51 FR 41952) suspending the rules which authorize the suspension of processing of unsuitability petitions and all references to suspended petitions in other portions of the regulations. In the rules applying to petitions to State regulatory authorities to designate non-Federal or non-Indian lands unsuitable (and petitions to OSMRE for all lands in Federal program States), the suspended portions include 30 CFR 764.15(a)(3) and 764.15(a)(8). In the rules applying to petitions for Federal lands, the suspended portions include paragraphs 769.14(a)(3), (b)(2), and (h). In addition, portions of sections 769.14(a)(1) and (c) were also suspended in regard to their references to suspension of petitions.

On June 9, 1987, OSMRE proposed a rulemaking (52 FR 21904) that would delete the provision for suspension of processing unsuitability petitions and provide consistency between the Federal and State processes to determine whether a petition is complete. In that notice, OSMRE solicited public comments and made provisions to hold public hearings upon request. Industry and environmental groups sent comments during the 70-day comment period. No one requested a public hearing, and none was held.

II. Public Comments on Proposed Rule and Response to Comments

Four groups commented on this proposed rule: one industry group and three environmental groups. The comments addressed each of the changes proposed for the processing of unsuitability petitions. A discussion of these comments and OSMRE's responses follows.

1. Deletion of the Suspension of Processing Unsuitability Petitions

In this final rule, OSMRE adopts the proposal to remove the concepts of "ripeness" and "foreseeable potential

for mining" as grounds on which regulatory authorities could decide not to process unsuitability petitions. Three commenters supported OSMRE's proposal to eliminate "ripeness" in 30 CFR Part 769 and "foreseeable potential for mining" in Part 764. One commenter suggested that OSMRE incorporate these concepts as a reason for rejecting petitions as frivolous, on the grounds that if the coal reserves underlying a petition area have not been demonstrated to be economically recoverable with current technology, the regulatory authority should have the discretion to reject the petition as lacking merit.

OSMRE disagrees. The comment, if adopted, would be inconsistent with the Act, as already determined in litigation. In the decision dated July 15, 1985, cited above, the court held that the regulatory authority must process unsuitability petitions in a timely manner, which in no way is dependent upon the imminence of mining. Also, the question of whether a petition is frivolous is unrelated to the imminence of mining, but rather relates to the merits of the allegations that mining would harm people, land, air, water, or other resources.

2. Deletion of the Opportunity for Public Comment During Completeness Review

This section is amended as proposed. All commenters supported the proposal to delete the opportunity for public comment during the regulatory authority's review to determine whether the petition is complete. This is an administrative decision on whether all the information required by the regulations is contained in the petition. If a petition is complete, the public has the opportunity to comment on the substance of the petition (the allegations upon which the request for an unsuitability designation is based) during the formal review stage.

One commenter suggested that the public should be allowed to comment on completeness during this later stage and that if substantial questions are raised, the regulatory authority should reconsider its decision that the petition is complete. OSMRE disagrees with this suggestion. Once a petition is determined to be complete, processing of the petition may proceed, and no further completeness determination is necessary. Questions that subsequently arise as to the adequacy of the allegations may be dealt with in determining whether the petition should be granted.

3. Extension of Completeness Review Period for the Federal Process

One commenter supported the proposed provision that would extend the time frame for completeness review under the Federal process from thirty to sixty days. Three commenters opposed this extension, arguing for a thirty-day review period for both State and Federal processes. OSMRE's regulations at 30 CFR 764.15(a)(7) and 769.14(g) address the circumstance in which an unsuitability petition has been received and a complete permit application submitted for the same lands before a completeness determination is made on the petition. In such a case, the regulatory authority may proceed to process the permit application and delete those lands included in the permit application from the petition. The commenters felt that by extending the completeness review period and delaying a decision on completeness, OSMRE would restrict the ability of a petitioner to protect eligible lands. The commenters further suggested that there was no need to extend the review period because there was no indication that the existing thirty days is administratively unworkable or constitutes an administrative burden on the agency.

OSMRE has reviewed this issue further and agrees that the thirty-day review period is not an administrative burden. In States where a greater than an average number of unsuitability petitions have been filed, the regulatory authority has been able to make a completeness determination in fewer than thirty days with no problems. OSMRE, therefore, accepts the comment and adopts a thirty-day completeness review period in the final rule for both State and Federal processes.

III. Procedural Matters

Federal Paperwork Reduction Act

The final rule does not contain new information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*). The rule would not cause major economic impacts and would have no adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of U.S. enterprises to compete in domestic or export markets.

National Environmental Policy Act

OSMRE has prepared an environmental assessment (EA) on this final rule and has made a finding that it would not have a significant impact on the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). The EA and the finding of no significant impacts are on file in the OSMRE Administrative Record at the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1100 L Street, NW., Room 5131, Washington, DC 20240.

Author

The author of this final rule is Catherine Roy, Division of Technical Services, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240. Telephone: 202–343–5143 (FTS 343–5143).

List of Subjects

30 CFR Part 764

Administrative practice and procedure, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 769

Administrative practice and procedure, Public lands, Reporting and recordkeeping requirements, Surface mining, Underground mining.

For the reasons set out in this preamble, 30 CFR Parts 764 and 769 are amended as set forth below.

Date: November 19, 1987.

J. Steven Griles,

Assistant Secretary for Land and Minerals Management.

PART 764—STATE PROCESSES FOR DESIGNATING AREAS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

1. The authority citation for Part 764 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* and Pub. L. 100–34.

2. Section 764.15 is amended by revising paragraph (a)(1) to read as follows:

§ 764.15 Initial processing, recordkeeping, and notification requirements.

(a)(1) Within 30 days of receipt of a petition, the regulatory authority shall notify the petitioner by certified mail

whether the petition is complete under § 764.13(b) or (c). Complete, for a designation or termination petition, means that the information required under § 764.13(b) or (c) has been provided.

* * * * *

3. Section 764.15 is further amended by removing paragraphs (a)(3), (a)(8), and (b)(2), by redesignating paragraphs (a)(4) through (a)(7) as (a)(3) through (a)(6) respectively, and by redesignating paragraph (b)(3) as (b)(2).

PART 769—PETITION PROCESS FOR DESIGNATION OF FEDERAL LANDS AS UNSUITABLE FOR ALL OR CERTAIN TYPES OF SURFACE COAL MINING OPERATIONS AND FOR TERMINATION OF PREVIOUS DESIGNATIONS

4. The authority citation for Part 769 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* and Pub. L. 100-34.

5. Section 769.14 is amended by revising paragraphs (a)(1), (a)(4), and (c) to read as follows:

§ 769.14 Initial processing, recording, and notification requirements.

(a)(1) Within 30 days of receipt of a petition, OSMRE shall determine whether the petition is complete and not frivolous. OSMRE may request other supplementary information that is readily available to be provided by the petitioner. Any request for such supplementary information from the petitioner shall not affect OSMRE's determination that the petition is complete for further processing.

* * * * *

(4) *Frivolous*, for a designation or termination petition, means that:

(i) The allegations of harm lack serious merit; or

(ii) Available information shows that no "mineable" coals resources exist in the petitioned area or that the petitioned area is not or could not be subject to related surface coal mining operations and surface impacts incident to an underground coal mine or an adjoining surface mine (mineable coal is coal with development potential as mapped or reported by the Bureau of Land Management under 43 CFR 3420.1-4(e)(1); and privately owned coal under land owned by the United States).

* * * * *

(c) When the Director finds that the petition is complete and not frivolous, he or she shall initiate the petition review and so advise the petitioner via certified mail.

* * * * *

6. Section 769.14 is amended by removing paragraph (a)(3), (b)(2), and (h), and by redesignating paragraphs (a)(4) as (a)(3) and (b)(1) as (b).

[FR Doc. 87-29655 Filed 12-29-87; 8:45 am]
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federal register

Wednesday
December 30, 1987

Part IV

Department of Energy

Economic Regulatory Administration

Electric and Gas Utilities Covered in 1988; Requirements for State Regulatory Authorities to Notify the Department of Energy; Notice

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-79-43B]

Electric and Gas Utilities Covered in 1988; Requirements for State Regulatory Authorities To Notify the Department of Energy

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) and section 211(b) of the National Energy Conservation Policy Act (NECPA) require the Secretary of Energy to publish a list before the beginning of each calendar year, identifying each electric utility and gas utility to which Titles I and III of PURPA and Titles II and VII of NECPA apply during each calendar year. The 1988 list is published here as two separate tabulations. Appendix A lists the covered utilities by State, and Appendix B lists them alphabetically.

Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA and section 211(b) of NECPA, to notify the Secretary of Energy of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. In addition, written comments are requested on the accuracy of the list of electric utilities and gas utilities.

DATES: Notifications by State regulatory authorities and written comments must be received by no later than 4:30 p.m. on February 15, 1988.

ADDRESSES: Notifications and written comments should be forwarded to: Department of Energy, Coal and Electricity Division, 1000 Independence Avenue, SW., (Room GA-076, Docket No. ERA-R-79-43B, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Steven Mintz, Coal and Electricity Division, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue SW., Room GA-076, Washington, DC 20585, 202/586-9506.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*), and section 211(b) of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3206 *et seq.*, (42 U.S.C. 8211 *et seq.*), hereinafter referred to as the "Acts," the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA and Titles II and VII of NECPA apply in 1988.

State regulatory authorities are required by the above cited Acts to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible authority under the Acts.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, or a political subdivision thereof, and any agency or instrumentality, either of which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency) and in the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which Title I applies during such calendar year. An electric utility is defined as any person, State agency or Federal agency, which sells electric energy. An electric utility is covered by Title I for any calendar year if it had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1988 if it exceeded the threshold in any year from 1976-1986.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency or Federal agency, engaged in the local distribution of natural gas and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by Title III if it had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in 1988 if it exceeded the threshold in any year from 1976-1986.

Title II, Part 1, of NECPA, addresses residential conservation programs, and Title VII of NECPA, enacted as part of the Energy Security Act, Pub. L. 96-294, 94 Stat. 611 *et seq.* (42 U.S.C. 8701 *et seq.*), addresses commercial building and multi-family dwelling conservation programs. Section 211(b) contains a requirement, similar to that of PURPA, that the Secretary of Energy publish a list of electric and gas utilities to which Titles II and VII apply. The NECPA requirements for coverage of electric utilities and gas utilities differ from the PURPA requirements in only three respects:

(1) The threshold for electric utilities is 750 million kilowatt-hours for purposes other than resale;

(2) A utility is covered for any calendar year if it exceeded the threshold during the second preceding calendar year. A utility is covered in 1988 if it exceeded the threshold in 1986; and

(3) Only utilities which have residential sales are covered by Title II and only utilities which have sales to commercial buildings or multi-family dwellings are covered by Title VII.

In compiling the list published today, DOE revised the 1987 list (51 FR 46914, December 29, 1986), upon the assumption that all entities included on the 1987 list are properly included on the 1988 list unless DOE has information to the contrary. In doing this, DOE took into account information which was received from the Rural Electrification Agency, or included in public documents, regarding entities which exceeded the PURPA and NECPA thresholds for the first time in 1986. DOE believes that it will become aware of any errors or omissions in the list published today by means of the comment process called for by this notice. DOE will, after consideration of any comment and other information available to DOE, provide written notice of any further additions or deletions to the list.

II. Notification and Comment Procedures

No later than 4:30 p.m. on February 15, 1988, each State regulatory authority must notify the Department of Energy in writing of each utility on the list over which it has ratemaking authority. Five copies of such notification should be submitted to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA-

R–79–43B." Such notification should include:

1. A complete list of electric utilities and gas utilities over which the State regulatory authority has ratemaking authority;

2. Legal citations pertaining to the ratemaking authority of the State regulatory authority; and

3. For any listed utility known to be subject to other ratemaking authorities within the State for portions of its service area, a precise description of the portion to which such notification applies.

All interested persons, including State regulatory authorities, are invited to comment in writing, no later than 4:30 p.m. on February 15, 1988, on any errors or omissions with respect to the list. Five copies of such comments should be sent to the address indicated in the "ADDRESS" section of this Notice and should be identified on the outside of the envelope, and on the document with the designation "Docket No. ERA–R–79–43B." Written comments should include the commenter's name, address and telephone number.

All notifications and comments received by DOE will be available for public inspection in the Freedom of Information Reading Room, Room 1E–190. 1000 Independence Avenue, SW., Washington, DC 20585 between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday.

III. List of Electric Utilities and Gas Utilities

DOE is publishing in Appendix A and Appendix B, two different tabulations of the list of utilities which meet both PURPA and NECPA coverage requirements. In both appendices, the listed utilities not covered by NECPA are noted. As stated above, the inclusion or exclusion of any utility on or from the lists does not affect its legal obligations or those of the responsible State regulatory authority under PURPA and NECPA.

Appendix A is a tabulation of utilities which separately identifies, by State, and each State regulatory authority, the covered utilities it regulates, and other covered utilities in the State which are not regulated by the State regulatory authority. This tabulation, including explanatory notes, is based on information provided to DOE by State regulatory authorities in response to the December 29, 1986 **Federal Register** Notice (51 FR 46914) requiring each State regulatory authority to notify DOE of each utility on the list over which it has ratemaking authority, comments received with respect to that notice, and information subsequently available to DOE.

The utilities classified in Appendix A as not regulated by the State regulatory authority may in fact be regulated by local municipal authorities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority. Therefore, each such municipality is to notify DOE of each utility on the list over which it has ratemaking authority.

In Appendix B, the utilities are listed alphabetically, subdivided into electric utilities and gas utilities, and further subdivided by type of ownership: investor-owned utilities, publicly-owned utilities, and rural cooperatives.

The changes to the 1987 list of electric and gas utilities are as follows:

Additions:
- Northern Central Public Service Company (MN)

Modifications:
- Change—Inter-City Gas Company (MN)
- To—Northern Minnesota Utilities-Division of UtiliCorp United, Inc. (MN)
- Change—Lake Superior District Power Company (WI)
- To—Northern States Power Company (WI)

Asterisk (*) Removed:
- Duck River Electric Membership Corporation (TN)
- Southern Pine Electric Power Association (MS)
- Walton Membership Corporation (GA)

Erroneously Listed in 1987 List:
- Gas Light Company to Columbus (GA)

(Public Utility Regulatory Policies Act of 1978, Pub. L. 97–617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et. seq.*); National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3206 *et seq.* (42 U.S.C. 8211 *et seq.*))

Issued in Washington, DC on December 18, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

Appendix A

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, or 1986. All except those marked (*) are covered by PURPA Title III, and NECPA Titles II and VII. Utilities marked (*) are not covered by NECPA Titles II and VII because they either did not exceed the NECPA threshold of 10 billion cubic feet in 1986 for purposes other than resale, or do not have residential or commercial sales.

All electric utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt-hours in 1976, 1977, 1978, 1979, 1980, 1981, 1983, 1984, 1985 or 1986. All, except those marked (*) are covered by PURPA Title I and NECPA Titles II and VII. Utilities marked (*) are not covered by NECPA Titles II and VII because they either did not exceed the NECPA threshold of 750 million Kilowatt-hours in 1986 for purposes other than resale, or do not have residential or commercial sales.

State: Alabama

Regulatory Authority: Alabama Public Service Commission.

Gas Utilities

Investor-Owned:
- Alabama Gas Corporation
- *Alabama-Tennessee Natural Gas Company
- Mobile Gas Service Corporation
- Northwest Alabama Gas Dist.

Electric Utilities

Investor-Owned:
Alabama Power Company

The following covered utilities within the State of Alabama are not regulated by the Alabama Public Service Commission:

Electric Utilities

Publicly-Owned:
- Decatur Electric Department
- *Dothan Electric Department
- Florence Electric Department
- Huntsville Utilities

Rural Electric Cooperatives:
- Rural Electric System

State: Alaska

Regulatory Authority: Alaska Public Utilities Commission.

Gas Utilities

Investor-Owned:
- Enstar Natural Gas Company

Electric Utilities

Rural Electric Cooperatives:
- Chugach Electric Association

Publicly-Owned:
- * Anchorage Municipal Light & Power Department

State: Arizona

Regulatory Authority: Arizona Corporation Commission.

Gas Utilities

Investor-Owned:
- Southern Union Gas Company
- Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Arizona Public Service Company
Tucson Electric Power Company
Publicly-Owned:
* Trico Electric Cooperative, Inc.
Rural Electric Cooperative:
Duncan Valley Electric Cooperative, Inc.

The following covered utilities within the State of Arizona are not regulated by the Arizona Corporation Commission:

Electric Utilities

Publicly-Owned:
Salt River Project Agricultural Improvement and Power District

State: Arkansas

Regulatory Authority: Arkansas Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Okahoma Gas Corporation
Arkansas Western Gas Company
Associated Natural Gas Company

Electric Utilities

Investor Owned:
Arkansas Power and Light Company
Empire District Electric Company
Oklahoma Gas and Electric Company
Southwestern Electric Power Company
Rural Electric Cooperatives:
* First Electric Cooperative Corporation

The following covered utility within the State of Arkansas is not regulated by the Arkansas Public Service Commission:

Publicly-Owned:
* North Little Rock Electric Department

State: California

Regulatory Authority: California Public Utilities Commission.

Gas Utilities

Investor-Owned:
Pacific Gas and Electric Company
San Diego Gas and Electric Company
Southen California Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Pacific Gas and Electric Company
Pacific Power and Light Company
San Diego Gas and Electric Company
Sierra Pacific Power Company
Southern California Edison Company

The following covered utilities within the State of California are not regulated by the California Public Utilities Commission:

Electric Utilities

Publicly-Owned:
Anaheim Public Utilities Department
Burbank Public Service Department
* Glendale Public Service Department
Imperial Irrigation District
Los Angeles Department of Water and Power
Modesto Irrigation District
Palo Alto Electric Utility
Pasadena Water and Power Department
Riverside Public Utilities
Sacramento Municipal Utility District
Santa Clara Electric Department
Turlock Irrigation District
Vernon Municipal Light Department

Gas Utilities

Publicly-Owned:
Long Beach Gas Department

State: Colorado

Regulatory Authority: Colorado Public Utilities Commission.

Gas Utilities

Investor-Owned:
Greeley Gas Company
Iowa Electric Light and Power Company
Kansas-Nebraska Natural Gas Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Public Service Company of Colorado
Publicly-Owned:
Colorado Springs Department of Utilities (Jurisdiction only sales to another gas utility)

Electric Utilities

Investor-Owned:
Public Service Company of Colorado Southern Colorado Power Division of Centel

The following covered utilities within the State of Colorado are not regulated by the Colorado Public Utilities Commission:

Gas Utilities

Publicly-Owned:
Colorado Springs Department of Utilities (except sales to another gas utility)

Electric Utilities

Publicly-Owned:
Colorado Springs Department of Utilities
Rural Electric Cooperatives:
* Intermountain Rural Association
Moon Lake Electric Association

State: Connecticut

Regulatory Authority: Connecticut Department of Public Utility Control

Gas Utilities

Investor-Owned:
Connecticut Light and Power Company
Connecticut Natural Gas Corporation
Southern Connecticut Gas Company

Electric Utilities

Investor-Owned:
Connecticut Light and Power Company
United Illuminating Company
Publicly-Owned:
* Groton Public Utilities

State: Delaware

Regulatory Authority: Delaware Public Service Commission.

Gas Utilities

Investor-Owned
Delmarva Power and Light Company

Electric Utilities

Investor-Owned:
Delmarva Power and Light Company

State: District of Columbia

Regulatory Authority: Public Service Commission of the District of Columbia

Gas Utilities

Investor-Owned:
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Potomac Electric Power Company

State: Florida

Regulatory Authority: Florida Public Service Commission.

Gas Utilities

Investor-Owned:
* City Gas Company of Florida
Peoples Gas System

Electric Utilities

Investor-Owned:
Florida Power Corporation
Florida Power and Light Company
Gulf Power Company
Tampa Electric Company
Publicly-Owned: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—
Gainesville Regional Utilities
Jacksonville Electric Authority
Lakeland Department of Electric and Water
* Ocala Electric Authority
Orlando Utilities Commission
Tallahassee, City of
Rural Electric Cooperative: The Florida Public Service Commission has rate

structure jurisdiction over the following utilities—
Clay Electric Cooperative
Lee County Electric Cooperative
*Sumter Electric Cooperative, Inc.
Withlacoochee River Electric Cooperative

State: Georgia

Regulatory Authority: Georgia Public Service Commission.

Gas Utilities

Investor-Owned:
Atlanta Gas Light Company

Electric Utilities

Investor-Owned:
Georgia Power Company
Savannah Electric and Power Company

The following utilities within the State of Georgia are not regulated by the Georgia Public Service Commission.

Electric Utilities

Publicly-Owned:
*Albany Water, Gas & Light Commission
*Dalton Water, Light & Sink
Rural Electric Cooperatives:
*Douglas County Electric Membership Corporation
Cobb Electric Membership Corporation
Flint Electric Membership Corporation
Jackson Electric Membership Corporation
North Georgia Electric Membership Corporation
Walton Electric Membership Corporation

State: Hawaii

Regulatory Authority: Hawaii Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Hawaiian Electric Company, Inc.

State: Idaho

Regulatory Authority: Idaho Public Utilities Commission.

Gas Utilities

Investor-Owned:
Intermountain Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:
Idaho Power Company
Pacific Power and Light Company
Utah Power and Light Company
Washington Water Power Light Company

State: Illinois

Regulatory Authority: Illinois Commerce Commission.

Gas Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Illinois Power Company
Iowa-Illinois Gas and Electric Company
North Shore Gas Company
Northern Illinois Gas Company
*Panhandle Eastern Pipeline Company
Peoples Gas, Light and Coke Company

Electric Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Commonwealth Edison Company
Illinois Power Company
Interstate Power Company
Iowa-Illinois Gas and Electric Company
Union Electric Company

The following covered utility within the State of Illinois is not regulated by the Illinois Commerce Commission:

Electric Utilities

Publicly-Owned:
Springfield Water, Light and Power Department

State: Indiana

Regulatory Authority: Indiana Public Service Commission.

Gas Utilities

Investor-Owned:
Indiana Gas Company
Northern Indiana Public Service Company
Southern Indiana Gas and Electric Company
Terre Haute Gas Corporation
Publicly-Owned:
Citizens Gas and Coke Utility

Electric Utilities

Investor-Owned:
Indiana and Michigan Electric Company
Indianapolis Power and Light Company
Northern Indiana Public Service Company
Public Service Company of Indiana
Southern Indiana Gas and Electric Company
Publicly-Owned:
*Richmond Power and Light

State: Iowa

Regulatory Authority: Iowa Commerce Commission.

Gas Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Peoples Natural Gas Company, Division of Internorth, Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Iowa Southern Utilities Company
Union Electric Company
Publicly-Owned: The Iowa Commerce Commission has service and safety regulation over the following utilities—
*Muscatine Power and Water
Omaha Public Power District

State: Kansas

Regulatory Authority: Kansas State Corporation Commission.

Gas Utilities

Investor-Owned:
Anadarko Production Company
Arkansas-Louisiana Gas Company
Gas Service Company
Greeley Gas Company
Kansas-Nebraska Natural Gas Company
Kansas Power and Light Company
*Panhandle Eastern Pipeline Company
Peoples Natural Gas Company, Division of Internorth, Inc.
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Kansas City Power and Light Company
Kansas Gas and Electric Company
Kansas Power and Light Company
Southwestern Public Service Company
Western Power Division of Centel
Rural Electric Cooperatives:
Midwest Energy Incorporated

The following covered utility within the State of Kansas is not regulated by the Kansas State Corporation Commission:

Electric Utilities

Public-Owned:
Kansas City Board of Public Utilities

State: Kentucky

Regulatory Authority: Kentucky Energy Regulatory Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of Kentucky, Inc.
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Western Kentucky Gas Company

Electric Utilities

Investor-Owned:
Kentucky Power Company
Kentucky Utilities Company
Louisville Gas and Electric Company
Union Light, Heat and Power Company

Rural Electric Cooperatives:
Green River Electric Corporation
Henderson-Union Rural Electric Cooperative Corporation

The following covered utilities within the State of Kentucky are not regulated by the Kentucky Energy Regulatory Commission:
Bowling Green Municipal Utilities
Owensboro Municipal Utilities
Pennyrile Rural Electric Cooperative Corporation
Warren Rural Electric Cooperative Corporation
West Kentucky Rural Electric Cooperative Corporation

State: Louisiana

Regulatory authority: Louisiana Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Entex, Inc.
Gulf States Utilities Company
Louisiana Gas Service Company
New Orleans Public Service, Inc. (East and West Bank)
Trans Louisiana Gas Company

Electric Utilities

Investor-Owned:
Arkansas Power and Light
Central Louisiana Electric Company
Gulf States Utilities Company
Louisiana Power and Light Company (West Bank)
New Orleans Public Service, Inc. (East Bank)
Southwestern Electric Power Company

Rural Electric Cooperatives:
Dixie Electric Membership Corporation

The following covered utilities within the State of Louisiana are not regulated by the Louisiana Public Service Commission:

Electric Utilities

Publicly-Owned:
Lafayette Utilities System

Rural Electric Cooperatives:
Southwest Louisiana Electric Membership Corporation

State: Maine

Regulatory Authority: Maine Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Bangor Hydro-Electric Company
Central-Maine Power Company

State: Maryland

Regulatory Authority: Maryland Public Service Commission.

Gas Utilities

Investor-Owned:
Baltimore Gas and Electric Company
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Baltimore Gas and Electric Company
*Conowingo Power Company
Delmarva Power and Light Company of Maryland
Potomac Edison Company
Potomac Electric Power Company

Rural Electric Cooperatives:
Southern Maryland Electric Cooperative, Inc.

State: Massachusetts

Regulatory Authority: Massachusetts Department of Public Utilities.

Gas Utilities

Investor-Owned:
Bay State Gas Company
Boston Gas Company
Colonial Gas Energy System
Commonwealth Gas Company
Lowell Gas Company

Electric Utilities

Investor-Owned:
Boston Edison Company
Cambridge Electric Light Company
Commonwealth Electric Company
Eastern Edison Company
Massachusetts Electric Company
Western Massachusetts Electric Company

State: Michigan

Regulatory Authority: Michigan Public Service Commission.

Gas Utilities

Investor-Owned:
Consumers Power Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Southeastern Michigan Gas Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
Consumers Power Company
Detroit Edison Company
Indiana and Michigan Electric Company
*Lake Superior District Power Company
*Michigan Power Company
Upper Peninsula Power Company
Wisconsin Electric Power Company
Wisconsin Public Service Corporation

The following covered utilities within the State of Michigan are not regulated by the Michigan Public Service Commission:

Gas Utilities

Investor-Owned:
Battle Creek Gas Company

Electric Utilities

Publicly-Owned:
Lansing Board of Water and Light

State: Minnesota

Regulatory Authority: Minnesota Public Utility Commission.

Gas Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Minnegasco, Inc.
Northern Central Public Service Company
Northern Minnesota Utilities—Division of UtiliCorp United, Inc.
Northern States Power Company
Peoples Natural Gas Company—Division of UtiliCorp United, Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Minnesota Power and Light Company
Northern States Power Company
Otter Tail Power Company

Rural Electric Cooperative:
*Dakota Electric Association

The following covered utilities within the State of Minnesota are not regulated by the Minnesota Public Service Commission:

Electric Utilities

Publicly-Owned:
*Rochester Department of Public Utilities

Rural Electric Cooperatives:
*Anoka Electric Cooperative

State: Mississippi

Regulatory Authority: Mississippi Public Service Commission.

Gas Utilities

Investor-Owned:
Entex, Incl.
Mississippi Valley Gas Company

Electric Utilities

Investor-Owned:
Mississippi Power and Light Company
Mississippi Power Company

The following covered utilities within the State of Mississippi are not regulated by the Mississippi Public Service Commission.

Electric Utilities

Rural Electric Cooperatives:
*Alcorn County Electric Power Association
*Coast Electric Power Association
*4-County Electric Power Association
*Singing River Electric Power Association
Southern Pine Electric Power Association
Tombigbee Electric Power Association

State: Missouri

Regulatory Authority: Missouri Public Service Commission.

Gas Utilities

Investor-Owned:
Associated Natural Gas Company
Gas Service Company
Laclede Gas Company Consolidated
Missouri Public Service Company
Peoples Natural Gas Company Division of InterNorth, Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Kansas City Power and Light Company
Missouri Public Service Company
St. Joseph Light and Power Company
Union Electric Company

The following covered utilities within the State of Missouri are not regulated by Missouri Public Service Commission:

Gas Utilities

Investor-Owned:
Cities Service Gas Company

Publicly-Owned:
Springfield City Utilities

Electric Utilities

Publicly-Owned:
*Independence Power and Light Department
Springfield City Utilities

State: Montana

Regulatory Authority: Montana Public Service Commission.

Gas Utilities

Investor-Owned:
Montana-Dakota Utilities Company
Montana Power Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Montana Power Company
Pacific Power and Light Company
Washington Water Power Company

State: Nebraska

Regulatory Authority-Nebraska Public Service Commission.

The Commission does not regulate the rates and service of the gas and electric utilities of the State of Nebraska.

The following covered utilities within the State of Nebraska are not regulated by the Nebraska Public Service Commission.

Electric Utilities

Publicly-Owned
Lincoln Electric System
Nebraska Public Power District
Omaha Public Power District

Gas Utilities

Investor-Owned
Gas Service Company
Iowa Electric Light and Power Company
Iowa Public Service Company
KN Energy, Inc.
Minnegasco, Inc.
Northwestern Public Service Company
Peoples Natural Gas Company Division of Internorth, Inc.

The governing body of each Nebraska municipality exercises ratemaking jurisdiction over gas utility rates, operations and services provided by a gas utility within its city or town limits. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority.

Publicly-Owned:
Metropolitan Utilities District of Omaha

State: Nevada

Regulatory Authority: Nevada Public Service Commission.

Gas Utilities

Investor-Owned:
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Idaho Power Company
Nevada Power Company
Sierra Pacific Power Company

State: New Hampshire

Regulatory Authority: New Hampshire Public Utilities Commission.

Electric Utilities

Investor-Owned:
Public Service Company of New Hampshire

State: New Jersey

Regulatory Authority: New Jersey Department of Energy Board of Public Utilities.

Gas Utilities

Investor-Owned:
Elizabethtown Gas Company
New Jersey Natural Gas Company
Public Service Electric and Gas Company
South Jersey Gas Company

Electric Utilities

Investor-Owned:
Atlantic City Electric Company
Jersey Central Power and Light Company
Public Service Electric and Gas Company
Rockland Electric Company

State: New Mexico

Regulatory Authority: New Mexico Public Service Commission.

Gas Utilities

Gas Company of New Mexico

Electric Utilities

Investor-Owned:
El Paso Electric Company
Public Service Company of New Mexico
Southwestern Public Service Company
Texas-New Mexico Power Company

Rural Electric Cooperative:
*Duncan Valley Electric Cooperative, Inc.
*Lea County Electric Cooperative, Inc.

State: New York

Regulatory Authority: New York Public Service Commission.

Gas Utilities

Investor-Owned:
Brooklyn Union Gas Company

Columbia Gas of New York, Inc.
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company
National Fuel Gas Distribution Corporation
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

Electric Utilities

Investor-Owned:
Central Hudson Gas and Electric Corporation
Consolidated Edison Company of New York
Long Island Lighting Company
New York States Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

The following covered utility within the State of New York is not regulated by the New York Public Service Commission:

Electric Utilities

Publicly-Owned:
Power Authority of New York

State: North Carolina

Regulatory Authority: North Carolina Utilities Commission.

Gas Utilities

Investor-Owned:
North Carolina Natural Gas Corporation
Piedmont Natural Gas Company
Public Service Company, Inc. of North Carolina

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
Nantahala Power & Light Company
Virginia Electric and Power Company

The following covered utilities within the State of North Carolina are not regulated by the North Carolina Utilities Commission:

Electric Utilities

Publicly-Owned:
Fayetteville Public Works Commission
*Greenville Utilities Commission
*High Point Electric Utility Department
*Rocky Mount Public Utilities
*Wilson Utilities Department

Rural Electric Cooperatives:
*Blue Ridge Electric Membership Corp.
*Rutherford Electric Membership Corporation

State: North Dakota

Regulatory Authority: North Dakota Public Service Commission.

Gas Utilities

Investor-Owned:
Montana Dakota Utilities Company
Northern States Power Company

Electric Utilities

Investor-Owned:
Montana Dakota Utilities Company
Northern States Power Company
Otter Tail Power Company

State: Ohio

Regulatory Authority: Ohio Public Utilities Commission.

Gas Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Columbia Gas of Ohio, Inc.
Dayton Power and Light Company
East Ohio Gas Company
National Gas and Oil Company
West Ohio Gas Company

Electric Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Dayton Power and Light Company
Monongahela Power Company
Ohio Edison Company
Ohio Power Company
Toledo Edison Company

The following covered utilities within the State of Ohio are not regulated by the Ohio Public Utilities Commission:

Electric Utilities

Publicly-Owned:
*Cleveland Division of Light and Power

Rural Electric Cooperative:
Southern Central Power Company

State: Oklahoma

Regulatory Authority: Oklahoma Corporation Commission

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Gas Service Company
Lone Star Gas Company
Oklahoma Natural Gas Company
Southern Union Gas Company
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Oklahoma Gas and Electric Company
Public Service Company of Oklahoma
Southwestern Public Service Company

Rural Electric Cooperative:
*Cotton Electric Cooperative

Gas Utilities

Investor-Owned:
Cities Service Gas Company

State: Oregon

Regulatory Authority: Public Utility Commissioner of Oregon.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Gas Company

Electric Utilities

Investor-Owned:
*CP National Corporation
Idaho Power Company
Pacific Power and Light Company
Portland General Electric Company

The following covered utilities within the State of Oregon are not regulated by the Public Utility Commissioner of Oregon:

Electric Utilities

Publicly-Owned:
Central Lincoln People's Utility District
*Clatskanie People's Utility District
Eugene Water and Electric Board
*Springfield Utilities Board

Rural Electric Cooperatives:
*Umatilla Electric Cooperative Association

State: Pennsylvania

Regulatory Authority: Pennsylvania Public Utility Commission.

Gas Utilities

Investor-Owned:
Carnegie Natural Gas Company
Columbia Gas of Pennsylvania, Inc.
Equitable Gas Company
National Fuel Gas Distribution Corporation
North Penn Gas Company
Pennsylvania Gas and Water Company
Peoples Natural Gas Company
Philadelphia Electric Company
T.W. Phillips Gas and Oil Company
UGI Corporation

Electric Utilities

Investor-Owned:
Duquesne Light Company
Metropolitan Edison Company

Pennsylvania Electric Company
Pennsylvania Power Company
Pennsylvania Power and Light Company
Philadelphia Electric Company
*UGI—Luzerne Electric Company
West Penn Power Company

The following covered utility within the State of Pennsylvania is not regulated by the Pennsylvania Public Utility Commission:

Gas Utilities

Publicly-Owned:
Philadelphia Gas Works

State: Puerto Rico

Regulatory Authority: Puerto Rico Public Service Commission.

Gas Utilities

None.

Electric Utilities

None.

The following covered utility within Puerto Rico is not regulated by the Puerto Rico Public Service Commission:

Electric Utilities

Publicly-Owned:
Puerto Rico Electric Power Authority

State: Rhode Island

Regulatory Authority: Rhode Island Public Utilities Commission.

Gas Utilities

Investor-Owned:
Providence Gas Company

Electric Utilities

Investor-Owned:
Blackstone Valley Electric Company
Narragansett Electric Company

State: South Carolina

Regulatory Authority: South Carolina Public Service Commission.

Gas Utilities

Investor-Owned:
Carolina Pipeline Company
Piedmont Natural Gas Company
South Carolina Electric and Gas Company

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
South Carolina Electric and Gas Company

The following covered utilities within the State of South Carolina are not regulated by the South Carolina Public Service Commission:

Electric Utilities

Publicly-Owned:
South Carolina Public Service Authority

Rural Electric Cooperatives:
*Berkeley Electric Cooperatives, Inc.
*Palmetto Electric Cooperative, Inc.

State: South Dakota

Regulatory Authority: South Dakota Public Utilities Commission.

Gas Utilities

Investor-Owned:
Iowa Public Service Company
Minnegasco, Inc.
Montana-Dakota Utilities Company
Northwestern Public Service Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Iowa Public Service Company
Montana-Dakota Utilities Company
Northern States Power Company
Northwestern Public Service Company
Otter Tail Power Company

The following covered utility within the State of South Dakota is not regulated by the South Dakota Public Service Commission:

Electric Utilities

Publicly-Owned:
Nebraska Public Power District

State: Tennessee

Regulatory Authority: Tennessee Public Service Commission.

Gas Utilities

Investor-Owned:
Chattanooga Gas Company
Nashville Gas Company

Electric Utilities

Investor-Owned:
Kingsport Power Company

The following covered utilities within the State of Tennessee are not regulated by the Tennessee Public Service Commission:

Electric Utilities

Publicly-Owned:
*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
*Greeneville Light and Power System
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light Gas and Water Division
*Murfreesboro Electric Department
Nashville Electric Services
*Sevier County Electric System

Rural Electric Cooperatives:
*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
Duck River Electric Membership Corporation
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooperative
Middle Tennessee Electric Membership Corporation
*Southwest Tennessee Electric Membership Corporation
*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative

Gas Utilities

Publicly-Owned:
Memphis Light, Gas and Water Division

State: Tennessee

Regulatory Authority: Tennessee Valley Authority.

Gas Utilities

None.

Electric Utilities

Publicly-Owned:
*Bowling Green Municipal Utilities
*Bristol Tennessee Electric System
Chattanooga Electric Power Board
*Clarksville Department of Electricity
*Cleveland Utilities
Decatur Electric Department
Florence Electric Department
*Greeneville Light and Power System
Huntsville Utilities
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
*Lenoir City Utilities Board
Memphis Light, Gas and Water Division
*Murfreesboro Electric Department
Nashville Electric Service
*Sevier County Electric System

Rural Electric Cooperatives:
*Alcorn County Electric Power Association
*Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
Duck River Electric Membership Corporation
*4-County Electric Power Association
*Gibson County Electric Membership Corporation
*Meriwether Lewis Electric Cooperative
Middle Tennessee Electric

Membership Corporation
North Georgia Electric Membership Corporation
*Pennyrile Rural Electric Cooperative Corporation
*Southwest Tennessee Electric Membership Corporation
*Tombigbee Electric Power Association
*Tri-County Electric Membership Corporation
*Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative
Warren Rural Electric Cooperative Corporation
*West Kentucky Rural Electric Cooperative Corporation

State: Texas

Regulatory Authority: Texas Public Utility Commission.

Gas Utilities

Investor-Owned:
None.

Electric Utilities

Investor-Owned:
Central Power and Light Company
El Paso Electric Company
Gulf States Utilities
Houston Lighting and Power Company
Southwestern Electric Power Company
*Southwestern Electric Company
Southwestern Public Service Company
Texas-New Mexico Power Company
Texas Utilities Electric Company
West Texas Utilities Company
Publicly-Owned:
*Lower Colorado River Authority
Rural Electric Cooperatives:
*Bluebonnet Electric Cooperative, Inc.
*Guadalupe Valley Electric Cooperative
Pedernales Electric Cooperative
*Sam Houston Electric Cooperative

The governing body of each Texas municipality exercises exclusive original jurisdiction over electric utility rates, operations and services provided by an electric utility (whether privately owned or publicly owned), within its city or town limits, unless the municipality has surrendered this jurisdiction to the Texas Public Utility Commission. The Commission hears *de novo* appeals from the decisions of such municipalities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The municipally-owned electric utilities listed below are not under the commission's original ratemaking jurisdiction.

Electric Utilities

Publicly-Owned:
Austin Electric Department
Garland Electric Department
*Lubbock Power and Light
San Antonio City Public Service Board

State: Texas

Regulatory Authority: Railroad Commission of Texas.

Gas Utilities

Investor-Owned:
Energas Company
Entex, Inc.
Lone Star Gas Company, a division of ENSERCH Corp.
Southern Union Company

The governing body of each Texas municipality exercises exclusive original ratemaking jurisdiction over gas utility rates, operations, and services provided by a gas utility within its city or town limits, subject to appellate review by the Railroad Commission of Texas. These municipal authorities would be State agencies as defined by PURPA and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The following covered utilities within the State of Texas are not regulated by the Railroad Commission of Texas. (The Railroad Commission's appellate authority does not extend to municipally owned gas utilities.)

Gas Utilities

Public-Owned:
City Public Service Board (San Antonio)

State: Utah

Regulatory Authority: Utah Public Service Commission.

Gas Utilities

Investor-Owned:
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Utah Power and Light Company
Rural Electric Cooperatives:
Moon Lake Electric Association

State: Vermont

Regulatory Authority: Vermont Public Service Board.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Central Vermont Public Service Corporation
Green Mountain Power Corporation
Public Service Company of New Hampshire.

State: Virginia

Regulatory Authority: Virginia State Corporation Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of Virginia, Inc.
Commonwealth Gas Services, Inc.
Northern Virginia Natural Gas
Virginia Natural Gas

Electric Utilities

Investor-Owned:
Appalachian Power Company
Delmarva Power and Light Company
*Old Dominion Power Company
Potomac Edison Company
Virginia Electric and Power Company

Rural Electric Cooperatives

Northern Virginia Electric Cooperative
Rappahannock Electric Cooperative

The following covered utility within the State of Virginia is not regulated by the Virginia State Corporation Commission.

Gas Utilities

Publicly-Owned:
City of Richmond, Virginia, Department of Public Utilities

Electric Utilities

Publicly-Owned:
*Danville Water, Gas & Electric

State: Washington

Regulatory Authority: Washington Utilities and Transportation Commission.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Gas Company
Washington Natural Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:
Pacific Power and Light Company
Puget Sound Power and Light Company
Washington Water Power Company

The following covered utilities within the State of Washington are not regulated by the Washington Utilities and Transportation Commission.

Electric Utilities

Publicly-Owned:
*Port Angeles Light and Water Department
Public Utility District No. 1 of Benton

County
Public Utility District No. 1 of Chelan County
Public Utility District No. 1 of Clark County
Public Utility District No. 1 of Cowlitz County
Public Utility District No. 1 of Douglas County
Public Utility District No. 1 of Franklin County
Public Utility District No. 1 of Grant County
Public Utility District No. 1 of Grays Harbor County
Public Utility District No. 1 of Lewis County
Public Utility District No. 1 of Snohomish County
*Richland Energy Service Department
Seattle City Light Department
Tacoma Public Utility—Light Division

State: West Virginia

Regulatory Authority: West Virginia Public Service Commission.

Gas Utilities

Investor-Owned:
Equitable Gas Company
Hope Gas, Incorporated
Mountaineer Gas Company

Electric Utilities

Investor-Owned:
Appalachian Power Company
Monongahela Power Company
Potomac Edison Company
Virginia Electric and Power Company
Wheeling Electric Company

State: Wisconsin

Regulatory Authority: Wisconsin Public Service Commission.

Gas Utilities

Investor-Owned:
Madison Gas and Electric Company
Northern States Power Company
Wisconsin Fuel and Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
Madison Gas and Electric Company
Northern States Power Company
Wisconsin Electric Power Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

State: Wyoming

Regulatory Authority: Wyoming Public Service Commission.

Gas Utilities

Investor-Owned:
*Cheyenne Light Fuel and Power Company
Kansas-Nebraska Natural Gas Company
Montana-Dakota Utilities Company
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Pacific Power and Light Company
Utah Power and Light Company

Rural Electric Cooperative:
Tri-County Electric Association, Inc.

Appendix B

Electric Utilities

All utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt hours in 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985 or 1986. All except those marked (*) are covered by PURPA Title I and NECPA Titles II and VII. Utilities marked (*) either did not exceed the NECPA threshold of 750 million kilowatt-hour in 1986 for purposes other than resale, or do not have residential or commercial sales and therefore, are not covered by NECPA Titles II and VII. The utilities listed more than once have sales in more than one State, and those States are indicated by abbreviations in parentheses.

Investor-Owned:
Alabama Power Company
Appalachian Power Company [VA]
Appalachian Power Company [WV]
Arizona Public Service Company
Arkansas Power & Light Company [AR]
Arkansas Power & Light Company [LA]
Atlantic City Electric Company
Baltimore Gas & Electric Company
Bangor Hydro-Electric Company
Black Hills Power & Light Company [MT]
Black Hills Power & Light Company [SD]
Black Hills Power & Light Company [WY]
Blackstone Valley Electric Company
Boston Edison Company
Cambridge Electric Light Company
Carolina Power & Light Company [NC]
Carolina Power & Light Company [SC]
Central Hudson Gas & Electric Corporation
Central Illinois Light Company
Central Illinois Public Service Company
Central Louisiana Electric Company
Central Maine Power Company
Central Power & Light Company
Central Vermont Public Service Corporation
Cincinnati Gas & Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company
Commonwealth Electric Company
Connecticut Light & Power Company
*Conowingo Power Company
Consolidated Edison Company of New York
Consumer Power Company
*CP National Corporation
Dayton Power & Light Company
Delmarva Power & Light Company [DE]
Delmarva Power & Light Company [VA]
Delmarva Power & Light Company of Maryland
Detroit Edison Company
Duke Power Company [NC]
Duke Power Company [SC]
Duquesne Light Company
Eastern Edison Company
El Paso Electric Company [NM]
El Paso Electric Company [TX]
Empire District Electric Company [AR]
Empire District Electric Company [KS]
Empire District Electric Company [MO]
Empire District Electric Company [OK]
Florida Power Corporation
Florida Power & Light Company
Georgia Power Company
Green Mountain Power Corporation
Gulf Power Company
Gulf States Utilities Company [LA]
Gulf States Company [TX]
Hawaiian Electirc Company Inc.
Houston Lighting & Power Company
Idaho Power Company [ID]
Idaho Power Company [NV]
Idaho Power Company [OR]
Illinois Power Company
Indiana & Michigan Electric Company [IN]
Indiana & Michigan Electric Company [MI]
Indianapolis Power & Light Company
Interstate Power Company [IA]
Interstate Power Company [IL]
Interstate Power Company [MN]
Iowa Electric Light & Power Company
Iowa-Illinois Gas & Electric Company [IA]
Iowa-Illinois Gas & Electric Company [IL]
Iowa Power & Light Company
Iowa Public Service Company [LA]
Iowa Public Service Company [SD]
Iowa Southern Utilities Company
Jersey Central Power & Light Company

Kansas City Power & Light Company [KS]
Kansas City Power & Light Company [MO]
Kansas Gas & Electric Company
Kansas Power & Light Company
Kentucky Power Company
Kentucky Utilities Company
Kingsport Power Company
Lake Superior District Power Company [MI]
Long Island Lighting Company
Louisiana Power & Light Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
Massachusetts Electric Company
Metropolitan Edison Company
*Michigan Power Company
Minnesota Power & Light Company
Mississippi Power Company
Mississippi Power & Light Company
Missouri Public Service Company
Monongahela Power Company [OH]
Monongahela Power Company [WV]
Montana-Dakota Utilities Company [MT]
Montana-Dakota Utilities Company [ND]
Montana-Dakota Utilities Company [SD]
Montana-Dakota Utilities Company [WY]
Montana-Dakota Power Company
Nantahala Power & Light Company
Narragansett Electric Company
Nevada Power Company
New Orleans Public Service Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Company
Northern Indiana Public Service Company
Northern States Power Company [MN]
Northern States Power Company [ND]
Northern States Power Company [SD]
Northern States Power Company [WI]
Northwestern Public Service Company
Ohio Edison Company
Ohio Power Company
Oklahoma Gas & Electric Company (AR)
Oklahoma Gas & Electric Company (OK)
Old Dominion Power Company
Orange & Rockland Utilities
Otter Tail Power Company (MN)
Otter Tail Power Company (ND)
Otter Tail Power Company (SD)
Pacific Gas & Electric Company
Pacific Power Light Company (CA)
Pacific Power Light Company (ID)
Pacific Power Light Company (MT)
Pacific Power Light Company (OR)
Pacific Power Light Company (WA)
Pacific Power Light Company (WY)
Pennsylvania Electric Company
Pennsylvania Power & Light Company
Pennsylvania Power Company
Philadelphia Electric Company
Portland General Electric Company
Portland General Electric Company
Potomac Edison Company (MD)
Potomac Edison Company (VA)
Potomac Edison Company (WV)
Potomac Electric Company (DC)
Potomac Electric Company (MD)
Public Service Company of Colorado
Public Service Company of Indiana
Public Service Company of New Hampshire (NH)
Public Service Company of New Hampshire (VT)
Public Service Company of New Mexico
Public Service Company of Oklahoma
Public Service Electric and Gas Company
Puget Sound Power & Light Company
Rochester Gas & Electric Corporation
Rockland Electric Company
St. Joseph Light & Power Company
San Diego Gas & Electric Company
Savannah Electric & Power Company
Sierra Pacific Power Company (CA)
Sierra Pacific Power Company (NV)
South Carolina Electric & Gas Company
Southern California Edison Company
Southern Colorado Power Division of Centel (CO)
Southern Indiana Gas & Electric Company
Southwestern Electric Power Company (AR)
Southwestern Electric Power Company (LA)
Southwestern Electric Power Company (TX)
Southwestern Electric Service Company
Southwestern Public Service Company (KS)
Southwestern Public Service Company (NM)
Southwestern Public Service Company (OK)
Southwestern Public Service Company (TX)
Tampa Electric Company
Texas-New Mexico Power Company
Texas Utilities Electric Company
Toledo Edison Company
Tucson Electric Power Company
*UGI-Luzerne Electric Division
Union Electric Company (LA)
Union Electric Company (IL)
Union Electric Company (MO)
Union Light, Heat & Power Company
United Illuminating Company
*Upper Peninsula Power Company
Utah Power & Light Company (ID)
Utah Power & Light Company (UT)
Utah Power & Light Company (WY)
Virginia Electric & Power Company (NC)
Virginia Electric & Power Company (VA)
Virginia Electric & Power Company (WV)
Washington Water Power Company (ID)
Washington Water Power Company (MT)
Washington Water Power Company (WA)
West Penn Power Company
West Texas Utilities Company
Western Massachusetts Electric Company
Western Power Division of Centel (KS)
Wheeling Electric Company
Wisconsin Electric Power Company (MI)
Wisconsin Electric Power Company (WI)
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned:
*Albany Water Gas & Light Commission (GA)
Anaheim Public Utilities Department (CA)
*Anchorage Municipal Light & Power Department (AK)
Austin Electric Department (TX)
*Bowling Green Municipal Utilities (KY)
*Bristol Tennessee Electric System (TN)
*Brownsville Public Utility Board (TX)
Burbank Public Service Department (CA)
Central Lincoln People's Utility District (OR)
Chattanooga Electric Power Board (TN)
*Clarksville Department of Electricity (TN)
*Clatskanie People's Utility District (OR)
*Cleveland Division of Light & Power (OH)
*Cleveland Utilities (TN)
Colorado Springs Department of Utilities (CO)
*Dalton Water Light & Sink (GA)
*Danville Water Gas & Electric (VA)
Decatur Electric Department (AL)
*Dothan Electric Department (AL)
Eugene Water & Electric Board (OR)
Fayetteville Public Works Commission (NC)
Florence Electric Department (AL)
Gainesville Regional Utilities (FL)
Garland Electric Department (TX)
Glendale Public Service Department (CA)
*Greeneville Light & Power System (TN)
*Greenville Utilities Commission (NC)

*Groton Public Utilities (CT)
*High Point Electric Utility Dept. (NC)
Huntsville Utilities (AL)
Imperial Irrigation District (CA)
*Independence Power & Light Department (MO)
Jackson Utility Division—Electric Department (TN)
Jacksonville Electric Authority (TN)
Johnson City Power Board (TN)
Kansas City Board of Public Utilities (KS)
Knoxville Utilities Board (TN)
Lafayette Utilities System (LA)
Lakeland Department of Electric and Water (FL)
Lansing Board of Water & Light (MI)
*Lenoir City Utilities Board (TN)
Lincoln Electric System (NE)
Los Angeles Department of Water and Power (CA)
*Lower Colorado River Authority (TX)
*Lubbock Power & Light (TX)
Memphis Light, Gas & Water Division (TN)
Modesto Irrigation District (CA)
*Murfreesboro Electric Dept. (TN)
*Muscatine Power & Water (IA)
Nashville Electric Service (TN)
Nebraska Public Power District (NE)
Nebraska Public Power District (SD)
*North Little Rock Electric Department (AR)
*Ocala Electric Authority (FL)
Omaha Public Power District (IA)
Omaha Public Power District (NE)
Orlando Utilities Commission (FL)
*Owensboro Municipal Utilities (KY)
Palo Alto Electric Utility (CA)
Pasadena Water & Power Department (CA)
*Power Authority of New York (NY)
*Port Angeles Light & Water Department (WA)
Public Utility District No. 1 of Benton County (WA)
Public Utility District No. 1 of Chelan County (WA)
Public Utility District No. 1 of Clark County (WA)
Public Utility District No. 1 of Cowlitz County (WA)
*Public Utility District No. 1 of Douglas County (WA)
*Public Utility District No. 1 of Franklin County (WA)
Public Utility District No. 1 of Grant County (WA)
Public Utility District No. 1 of Grays Harbor County (WA)
*Public Utility District No. 1 of Lewis County (WA)
Public Utility District No. 1 of Snohomish County (WA)
Puerto Rico Electric Power Authority
*Richland Energy Services Department (WA)
*Richmond Power & Light (IN)
Riverside Public Utilities (CA)
*Rochester Department of Public Utilities (MN)
*Rocky Mount Public Utilities (NC)
Sacramento Municipal Utility District (CA)
Salt River Project Agricultural Improvement and Power District (AZ)
San Antonio City Public Service Board (TX)
Santa Clara Electric Department (CA)
Seattle City Light Department (WA)
*Sevier County Electric System (TN)
South Carolina Public Service Authority
*Springfield City Utilities (MO)
*Springfield Utilities Board (OR)
Springfield Water, Light & Power Department (IL)
Tacoma Public Utilities—Light Division (WA)
*Trico Electric Cooperative, Inc. (AZ)
Tallahassee, City of (FL)
Turlock Irrigation District (CA)
Vernon Municipal Light Department (CA)
*Wilson Utilities Department (NC)

Rural Electric Cooperatives

*Alcorn County Electric Power Association (MS)
*Anoka Electric Cooperative (MN)
*Appalachian Electric Cooperative (TN)
*Berkeley Electric Cooperative (SC)
*Bluebonnet Electric Cooperative, Inc. (TX)
*Blue Ridge Electric Membership Corporation (NC)
Chugach Electric Association (AK)
Clay Electric Cooperative (FL)
*Coast Electric Power Association (MS)
Cobb Electric Membership Corporation (GA)
*Cotton Electric Cooperative (OK)
Cumberland Electric Membership Corporation (TN)
*Dakota Electric Association (MN)
*Douglas County Electric Membership Corporation (GA)
Dixie Electric Membership Corporation (LA)
Duck River Electric Membership Corporation (TN)
*Duncan Valley Electric Cooperative, Inc. (AZ, NM)
*First Electric Cooperative Corporation (AR)
*Flint Electric Membership Corporation (GA)
*4-County Electric Power Association (MS)
*Gibson County Electric Membership Corporation (TN)
Green River Electric Corporation (KY)
*Guadalupe Valley Electric Cooperative (TX)
Henderson-Union Rural Electric Cooperative Corporation (KY)
*Intermountain Rural Electric (CO)
Jackson Electric Membership Corporation (GA)
*Lea County Electric Cooperative, Inc. (NM)
Lee County Electric Cooperative (FL)
*Meriweather Lewis Electric Cooperative (TN)
Middle Tennessee Electric Membership Corporation (TN)
*Midwest Energy Incorporated (KS)
Moon Lake Electric Association (CO)
*Northern Virginia Electric Cooperative (VA)
North Georgia Electric Membership Corporation (TX)
*Palmetto Electric Cooperative, Inc. (SC)
Pedernales Electric Cooperative Corporation (TX)
*Pennyrile Rural Electric Cooperative Corporation (KY, TN)
Rappahannock Electric Cooperative (VA)
Rural Electric System (AL)
*Rutherford Electric Membership Corporation NC)
*Sam Houston Electric Cooperative (TX)
*Singing River Electric Power Association (MS)
South Central Power Company (OH)
Southern Maryland Electric Cooperative, Inc. (MD)
Southern Pine Electric Power Association (MS)
Southwest Louisiana Electric Membership Corporation (LA)
*Southwest Tennessee Electric Membership Corporation (TN)
*Sumter Electric Cooperative (FL)
*Tombigbee Electric Power Association (MS)
Tri-County Electric Association Inc. (WY)
*Tri-County Electric Membership Corporation (TN)
*Umatilla Electric Cooperative Association (OR)
*Upper Cumberland Electric Membership Corporation (TN)
Volunteer Electric Cooperative (TN)
Walton Electric Membership Corporation (GA)
Warren Rural Electric Cooperative Corporation (KY)
*West Kentucky Rural Electric Cooperative Corporation (KY)
Withlacoochee River Electric Cooperative (FL)

Federal Agencies

*Bonneville Power Administration (OR)
*Tennessee Valley Authority (TN)
*Western Area Power Administration (CO)

Gas Utilities

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985 or 1986. All except those marked (*) are covered by PURPA Title III and NECPA Titles II and VII. Utilities marked (*) are not covered by NECPA Titles II and VII because they either did not exceed the NECPA threshold of 10 billion cubic feet in 1986 for purposes other than resale, or do not have residential or commercial sales. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned:

Alabama Gas Corporation
Alabama-Tennessee Natural Gas Company
Anadarko Production Company
Arkansas-Louisiana Gas Company (AR)
Arkansas-Louisiana Gas Company (KS)
Arkansas-Louisiana Gas Company (LA)
Arkansas-Louisiana Gas Company (OK)
Arkansas-Oklahoma Gas Corporation (AR)
Arkansas-Oklahoma Gas Corporation (OK)
Arkansas Western Gas Company
Associated Natural Gas Company (AR)
Associated Natural Gas Company (MO)
Atlanta Gas Light Company
Baltimore Gas & Electric Company
Battle Creek Gas Company
Bay State Gas Company
Boston Gas Company
Brooklyn Union Gas Company
Carnegie Natural Gas Company
Carolina Pipeline Company
Cascade Natural Gas Corporation (OR)
Cascade Natural Gas Corporation (WA)
Central Illinois Light Company
Central Illinois Public Service Company
Chattanooga Gas Company (TN)
*Cheyenne Light, Fuel and Power Company
Cincinnati Gas and Electric Company
Cities Services Gas Company (covered by NECPA only)
*City Gas Company of Florida
Colonial Gas Energy System
Columbia Gas of Kentucky, Inc.
Columbia Gas of New York, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of Virginia, Inc.
Commonwealth Gas Company
Commonwealth Gas Service Incorporated
Commonwealth Gas Services, Incorporated
Connecticut Light & Power Company
Connecticut Natural Gas Corporation
Consolidated Edison Company of New York, Inc.
Consumers Power Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
East Ohio Gas Company
Elizabethtown Gas Company
Energas Company
Enstar Natural Gas Company
Entex Inc. (LA)
Entex Inc. (MS)
Entex Inc. (TX)
Equitable Gas Company (PA)
Equitable Gas Company (WV)
Gas Company of New Mexico
Gas Service Company (KS)
Gas Service Company (MO)
Gas Service Company (NE)
Gas Service Company (OK)
Greeley Gas Company (CO)
Greeley Gas Company (KS)
Gulf States Utilities Company
Hope Gas, Incorporated
Illinois Power Company
Indiana Gas Company
Intermountain Gas Company
Interstate Power Company (IA)
Interstate Power Company (MN)
Iowa Electric Light & Power Company (CO)
Iowa Electric Light & Power Company (IA)
Iowa Electric Light & Power Company (MN)
Iowa Electric Light & Power Company (NE)
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (NE)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Kansas-Nebraska Natural Gas Company (CO)
Kansas-Nebraska Natural Gas Company (KS)
Kansas-Nebraska Natural Gas Company (WY)
Kansas Power & Light Company
KN Energy, Inc.
Laclede Gas Company Consolidated
Lone Star Gas Company (OK)
Lone Star Gas Company, a division of ENSERCH Corp. (TX)
Long Island Lighting Company
Louisiana Gas Service Company
Louisville Gas & Electric Company
Lowell Gas Company
Madison Gas & Electric Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Minnegasco, Inc. (MN)
Minnegasco, Inc. (NE)
Minnegasco, Inc. (SD)
Mississippi Valley Gas Company
Missouri Public Service Company
Mobile Gas Service Corporation
Montana-Dakota Utilities Company (MN)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Mountaineer Gas Company
Mountain Fuel Supply Company (UT)

Mountain Fuel Supply Company (WY)
Nashville Gas Company
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National Fuel Gas Distribution Corporation (PA)
National Gas and Oil Company
New Jersey Natural Gas Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Company
North Carolina Natural Gas Corporation
North Shore Gas Company
Northern Central Public Service Company
Northern Illinois Gas Company
Northern Indiana Public Service Company
Northern Minnesota Utilities—Division of Utilicorp United, Inc.
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Wisconsin Power & Light Company
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LIST OF PUBLIC LAWS

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 390/Pub. L. 100-210

To provide that a special gold medal be presented to Mary Lasker for her humanitarian contributions in the areas of medical research and education, urban beautification and the fine arts, and for other purposes. (Dec. 24, 1987; 101 Stat. 1441; 1 page) Price: $1.00

H.R. 2121/Pub. L. 100-211

To authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia. (Dec. 24, 1987; 101 Stat. 1442; 1 page) Price: $1.00

H.R. 2639/Pub. L. 100-212

To repeal the Brown-Stevens Act concerning certain Indian tribes in the State of Nebraska. (Dec. 24, 1987; 101 Stat. 1443; 1 page) Price: $1.00

H.R. 2689/Pub. L. 100-213

Arms Control and Disarmament Amendments Act of 1987. (Dec. 24, 1987; 101 Stat. 1444; 4 pages) Price: $1.00

H.J. Res. 255/Pub. L. 100-214

Designating the third week in May 1988 as "National Tourism Week". (Dec. 24, 1987; 101 Stat. 1448; 1 page) Price: $1.00

S. 1642/Pub. L. 100-215

To designate the United States Post Office at 600 Franklin Avenue in Garden City, New York, as the "John W. Wydler United States Post Office". (Dec. 24, 1987; 101 Stat. 1449; 1 page) Price: $1.00